FEDERAL REGISTER

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Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PARTICIPATION CERTIFICATES

Section 11.2168–49 of Title 6, Code of Federal Regulations, as amended (5 F.R. 2619), is amended to read as follows:

§ 11.2168–49 *Participation certificates.* If any shareholder or former shareholder does not desire to settle on the basis of the fair book value of the stock of the association as determined in conservatorship proceedings pursuant to section 29 of the Federal Farm Loan Act, as amended by section 25 (d) of the Farm Credit Act of 1937, he may, in lieu thereof, be given a participation certificate which will entitle him to share pro rata on the basis of the number of shares of stock which he owned in the association in the distribution of any assets of the association which is made after all its indebtedness to creditors has been satisfied, but not to exceed the par value of such shares. The holder of a participation certificate may, at any time, by surrendering the certificate to the secretary-treasurer of the association, receive the amount which is being paid to retired shareholders at the date of such surrender as the fair book value of the stock of the association less the amount of the credit for, or proceeds of, such stock which already shall have been allowed or distributed: *Provided, however,* That if the person surrendering such certificate shall have acquired his interest in the claim evidenced thereby through a voluntary assignment or pledge made after the commencement of any conservatorship proceedings in the association, such certificate shall not be redeemed at a value in excess of the fair book value of the association stock as of the date when the initial holder thereof became entitled to receive such certificate. Settlements with holders of participation certificates in accordance with the preceding sentence should be made only on condition that they accept the settlement as payment in full. Unless the holder surrenders his participation certificate as herein provided, he shall receive no cash payments in connection with such certificate, except as follows:

(a) If the association is liquidated by receivership or otherwise, he shall be entitled to share pro rata with other persons having similar rights in the distribution of any assets of the association which is made after all of its indebtedness to creditors has been satisfied.

(b) If, prior to liquidation as provided in (a) above, the fair book value of the stock of the association reaches par, he shall be entitled to receive par for such certificate.

(c) If, prior to liquidation as provided in (a) above, all indebtedness of the association is paid but the fair book value of the stock is not par, he may share pro rata with other persons having similar rights in the distribution of any assets of the association which may be made from time to time. (Sec. 6, 47 Stat. 14, 12 U.S.C. 665; Sec. 25 (d), 50 Stat. 713, 12 U.S.C. 967)"

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-6963; Filed, June 25, 1942; 3:11 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[Wheat 43-1]

PART 728—WHEAT

SUBPART E—1943

FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1943 CROP OF WHEAT

Sec.
728.411 Method of determining farm normal yields.
728.412 Method of determining farm acreage allotments.

CONTENTS

REGULATIONS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

NOTICES

CONTENTS—Continued

Sec.

Pursuant to the authority vested in the Secretary of Agriculture under sections 301 (b), 334 (c), 334 (d), and 375 (b) of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 39, 54, 66, 202; 54 Stat. 392, 727, 728, 1209, 1211; 7 U.S.C. 1940 ed. 1301 (b), 1334 (c), 1375 (b); 56 Stat. 51), Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1943 Crop of Wheat are as follows:

AUTHORITY: §§ 728.411 to 728.416, inclusive, issued under 52 Stat. 39, 54, 66, 202, 54 Stat. 392, 727, 728, 1209, 1211, 56 Stat. 51; 7 U.S.C. 1301 (b), 1334 (c), 1375 (b).

§ 728.411 *Method of determining farm normal yields.* (1) Where reliable records of the actual average yields of wheat for the 10 years 1932 to 1941 are available for the farm, the normal yield for the farm shall be the average of such yields, adjusted for trends and abnormal weather conditions.

(2) If for any year of such 10-year period reliable records of the actual average yield of wheat are not available or there was no actual yield on the farm for such year, the normal yield for the farm shall be the yield which, when compared with similar farms in the county (or similar farms in neighboring counties, if there is no similar farm in the county), on the basis of all available facts, including the yields for years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which could reasonably have been expected on the farm for such 10-year period.

(3) The yields determined under item (2) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county normal yield of wheat established by the Secretary of Agriculture.

If determined by the county committee to properly reflect the factors mentioned in (2) above, the 1943 normal yield of wheat for any farm for which reliable records for all of the 10 years, 1932 to 1941, are not available may be determined by averaging the actual 1941 farm yield with the 1942 normal yield determined for the farm by giving a weight of 1 to the actual 1941 yield and a weight of 9 to the 1942 normal yield.

§ 728.412 *Method of determining farm acreage allotments*—(a) *Farms upon which wheat was seeded for harvest in at least one of the years 1940, 1941, and 1942*—(1) *Tillable acres and crop-rotation practices.* As the basis for apportionment for the first two factors (tillable acres and crop-rotation practices) specified in Section 334 (c) of the Act, the county committee shall first determine for each farm a "usual" acreage of wheat. This acreage shall be the average annual acreage of wheat seeded for harvest (plus the acreage determined by the county committee to have been diverted from the production of wheat under the agricultural adjustment and conservation programs) during three or more consecutive years of the period 1935–1942, determined pursuant to instructions issued by the Administrator of the Agricultural Conservation and Adjustment Administration. However, if, with respect to any farm, the county committee finds that the acreage seeded to wheat in any of the years in such period (i) was abnormally low due to extreme flood or drought, (ii) is not typical of the farm for 1943 due to customary crop-rotation practices, a change in such practices, including the substitution of war crops for wheat, or a change in the acreage of cropland in the farm, or (iii) was abnormally high due to failure of crops other than wheat, such year shall be eliminated in determining the usual acreage of wheat for such farm. If for any of such years no data are available, such year shall also be eliminated.

For any farm for which all the years in the applicable period are thus eliminated, the usual acreage of wheat shall be determined by the county committee on the basis of tillable acres and crop-rotation practices; this usual acreage shall be based on the usual acreage for similar farms in the county or community, or the indicated usual acreage

described in the next following two sentences. This indicated usual acreage shall be determined by multiplying the acreage of cropland on such farm in 1942 by the ratio of wheat acreage to cropland which was determined, or could have been determined, for this purpose under the regulations pertaining to the establishment of 1942 farm wheat acreage allotments. If for any county or community such ratio does not appear representative of the usual ratio of wheat acreage to cropland for farms on which wheat was seeded for harvest in 1940, 1941, or 1942, the ratio for such county or community shall be determined by dividing the average annual acreage seeded to wheat for harvest in 1938 or 1939, including any additional years that may have been included under the provisions of the preceding paragraph, by the 1942 cropland on farms on which wheat was seeded for harvest in 1940, 1941, or 1942.

(2) *Type of soil and topography.* For farms with respect to which the variation in the adaptation of the soil for the production of wheat and the topography of the cropland from the average for the county or the community is not reflected in the usual acreage of wheat for the farm, such usual acreage shall be adjusted by the county committee so as to reflect such variation in the type of soil and topography: *Provided,* That the adjustment in the usual acreage on the basis of the type of soil and topography shall not exceed 25 per cent.

(3)[1] Inasmuch as the usual acreages used in determining 1942 wheat allotments are adjusted averages of seeded plus diverted acreages for a period of years applicable for the determination of usual acreages pursuant to the regulations in paragraph (a) (1) of this section, these usual acreages may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section; and, *likewise,* since in any county the 1942 wheat allotments are merely the 1942 usual acreages multiplied by a constant percentage factor, the 1942 wheat allotments may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section for the purpose of the following paragraphs.

If either the 1942 usual acreages or the 1942 wheat allotments are used in lieu of the usual acreages as described in paragraphs (a) (1) and (2), and, if in order to obtain a proper relationship between farms, it is necessary to extend the period of years used in determining the 1942 usual acreages to include consideration for seeded wheat acreages in the next successive year, this may be done by averaging the 1942 usual acreages or the 1942 wheat allotments, as the case may be, with the seeded wheat acreages (adjusted for participation) for such next successive year. In computing this average, the weight given to the seeded acreage shall not be in excess of 50 percent. The resultant averages may be considered as the usual acreages described in paragraphs (a) (1) and (2) of this section.

County and community committees shall review the usual acreages as may be determined in accordance with the two immediately preceding subparagraphs and shall determine whether in any instances they are not representative for 1943 for individual farms. In making the determinations, committees shall consider such factors as crop-rotation practices, changes in crop-rotation practices, changes in farming operations, and changes in cropland acreages, to the extent that these factors would influence the acreage of wheat which normally would be seeded in 1943. If for any farm a usual acreage is not representative for 1943 with respect to the foregoing factors, the committees shall determine a usual acreage which is more representative either in accordance with the procedure outlined in paragraphs (a) (1) and (2) of this section, or on the basis of a comparison of the farm with another farm, or group of farms, for which the usual acreages are representative for 1943. For purposes of such comparisons, farms shall be selected which are similar to the farm in question with respect to cropland and the relationship of cropland to farm land, soil type and topography, and the crop-rotation practices and general plan of farming operations. The ratio of usual acreage to cropland shall be computed for the similar farm or group of similar farms, and the adjustment made for the farm in question shall be in the direction indicated by this ratio but shall not extend beyond this indication.

(4) *Adjustment to county acreage allotments.* The usual acreages of wheat as determined under paragraphs (a) (1) and (2) or paragraph (a) (3) of this section adjusted pro rata to equal the county allotment minus appropriate reserves shall be the 1943 wheat allotments for farms on which wheat was seeded for harvest in at least one of the three years 1940, 1941, and 1942.

(b) *Farms upon which wheat was not seeded for harvest in at least one of the years 1940, 1941, and 1942.* The county committee shall determine wheat acreage allotments for farms upon which wheat was not seeded for harvest in any of the years 1940, 1941, and 1942 but for which wheat acreage allotments are requested for 1943 prior to a date set by the State Committee or Regional Director as affording reasonable opportunity for requesting such allotments. Such allotments shall compare with those determined under paragraph (a) of this section for farms which are similar with respect to tillable acreage, type of soil, and topography: *Provided,* That the wheat acreage allotment for any such farm shall not exceed the wheat acreage allotment requested for the farm: *And provided further,* That the sum of all such farm acreage allotments in the county shall not exceed 3 per centum of the county acreage allotment.

§ 728.413 *Allotments on farms acquired by the United States for National Defense purposes.* Notwithstanding any other provision of these regulations, the wheat allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for National Defense purposes shall be placed in a State allotment pool and shall be used only to establish wheat allotments for other farms within the State owned or acquired by the owner of the farm so acquired by the United States. The allotment so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat. Allotments made from such State wheat allotment pool shall be in addition to the county allotment unless the allotment for the county in which such farm allotments are made has been adjusted by the State Committee in order to provide for such farm allotments. With approval of the Regional Director, operators of farms acquired by the United States for National Defense purposes may also receive allotments from such State pool in the same manner as the owners of the farms so acquired, if the pool, after allotments therefrom have been made for owners, is sufficient for that purpose: *Provided,* That allotments to such operators for farms on which wheat was not seeded for harvest in any of the years 1940, 1941, and 1942 shall be subject to the 3 percent limitation contained in the second provision of paragraph (b) of § 728.412.

§ 728.414 *Opportunity to furnish data.* Each person owning or operating a farm in the county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in establishing farm acreage allotments.

§ 728.415 *Instructions and forms.* The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out the regulations in this subpart.

§ 728.416 *Definitions.* As used in the regulations in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(c) "Administrator" means the Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture.

(d) "State committee" means the group of persons designated within any State to assist in the administration of

[1] In areas where a definite system of crop rotation is an established practice, the usual acreages or allotments, as the case may be, for the year previous to 1942 which are representative of such crop rotation system may be substituted for the 1942 usual acreages or allotments.

sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

(e) "County committee" means a committee utilized for the county under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Conservation and Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(g) "Cropland" means farm land which in 1941 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards.

Done at Washington, D. C., this 26th day of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-6011; Filed, June 26, 1942; 11:32 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

PUERTO RICO

SUGARCANE FARMING PRACTICES, 1942-43

Determination of farming practices to be carried out in connection with production of sugarcane during the crop year 1942-43 in Puerto Rico.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.43e *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1942-43.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in Puerto Rico if soil-conserving food crops for human consumption are grown during the period July 1, 1942, to December 31, 1942, on the type of land and in the manner set forth below:

(a) The land to be used for the production of the crops in question shall be land suitable for the production of sugarcane, and the acreage so used shall be equal to not less than 7% of the land on the farm on which sugarcane is growing at June 30, 1942 (but in no event less than one-tenth of an acre): *Provided, however,* That (1) not less than 80% of such acreage shall be planted to the types of leguminous food crops required under § 702.301 (e) (1) of the 1942 Agricultural Conservation Program Bulletin for the Insular Region and the balance planted to any other food crops therein specified, (2) the plants or vines of such food crops shall not be removed from the land on which grown, and (3) where row crops are to be grown on land of more than 6% average slope, the planting and cultivating shall be carried out along lines deviating not more than 2% from contour lines.

(b) The land devoted to the crops in question shall be suitably prepared by plowing or disking, adequately seeded, and cultivated in a workmanlike manner to assure a good stand at the time of maturity. Sec. 302, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C. this 26th day of June, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-6013; Filed, June 26, 1942; 11:33 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order No. C-37]

MISCELLANEOUS AMENDMENTS

JUNE 25, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892, 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166, 8 U.S.C. 222); section 1 of Reorganization Plan No. V, (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675, 8 U.S.C. 458); section 327 (b) of the Act of October 14, 1940 (54 Stat. 1151, 8 U.S.C. 727); § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503) and all other authority conferred by law, the following changes in Title 8, Chapter I of the said regulations are promulgated.

Sections 110.1 and 168.21 of the said regulations are amended to show the headquarters of District No. 4 of the Immigration and Naturalization Service as Philadelphia, Pennsylvania instead of Gloucester City, New Jersey.

Section 168.10 of the said regulations is amended by eliminating the sentence reading "In cases where aliens were preexamined in Canada and no record exists showing the port of entry, Form N-230 may be used in lieu of the forms referred to in this section".

Effective June 30, 1942, Part 387 of the said regulations, entitled "Fees and Accounting", is repealed in its entirety. (Sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; sec. 327 (b), 54 Stat. 1151, 8 U.S.C. 727; 8 CFR 90.1)

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-6014; Filed, June 26, 1942; 12:04 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

MIAMI STOCKYARDS

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

JUNE 25, 1942.

Whereas, the Miami Stockyards was posted on February 4, 1938, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Miami Stockyards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Miami Stockyards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-6012; Filed, June 26, 1942; 11:32 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

PART 54—FILING OF RATE SCHEDULES

Correction

The reference to paragraph (b) of § 54.3 appearing in the 19th line of the middle column of page 4717 (issue of Thursday, June 25, 1942) should read "paragraph (d)."

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 319—PROCEDURE FOR ISSUANCE OF CERTIFICATE OF AWARD BENEFITS

Pursuant to the authority contained in section 12 of the Railroad Unemployment Insurance Act (52 Stat. 1094, 1107; 45 U. S. C. Sup. IV, 362), the Railroad Retirement Board, by Board Order 42-259 dated

[1] Modifies list posted stockyards 9 CFR 204.1.

June 16, 1942, adopts Part 319, effective June 16, 1942, of the Regulations under the Railroad Unemployment Insurance Act as follows:

Sec.
319.00 Statutory provisions.
319.01 Application for Certificate of Award of Benefits.
319.03 Filing of application for Certificate of Award of Benefits.
319.05 Certification of application for determination.
319.07 Notes to parties by Administrative Officer of the Division of Operating Control.
319.10 Certification to General Counsel or initial determination.
319.14 Contents of initial determination.
319.16 Effect of initial determination.
319.18 Certificate of award of benefits after initial determination.
319.20 Appeal from initial determination.
319.23 Procedure upon appeal.
319.25 Hearings, etc.
319.27 Record of appeal.
319.30 Decision of Appeals Council.
319.35 Effect of decision of Appeals Council.
319.40 Procedure for initial determinations by the General Counsel.
319.42 Further proceedings after initial determination by the General Counsel.
319.45 Hearings, after transfer to General Counsel.
319.48 Development of record.
319.51 Examiner's report.
319.53 Exceptions to the examiner's report.
319.57 Decision of General Counsel or certification to the Board for decision.
319.60 Effect of decision of General Counsel.
319.65 Appeal from a decision of the Appeals Council or General Counsel.
319.70 Procedure upon appeal to Board.
319.75 Decision of the Board.
319.80 Effect of decision of Board.
319.90 Judicial review.
319.95 Pending proceedings.

AUTHORITY: §§ 319.00 to 319.95, inclusive, issued under 52 Stat. 1094, 1100, 1107; 54 Stat. 1098; 45 U. S. C. 355 (c).

§ 319.00 *Statutory provisions.* (a) Subsection (c) of section 5 of the Railroad Unemployment Insurance Act provides in part:

Any claimant whose claim for benefits has been denied in an initial determination with respect thereto upon the basis of his not being a qualified employee, and any claimant who contends that under an initial determination of his claim he has been awarded benefits at less than the proper rate, may appeal to the Board for the review of such determination. Thereupon the Board shall review the determination and for such review may designate one of its officers or employees to receive evidence and to report to the Board thereon together with recommendations. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the appeals provided for in this paragraph and for decisions upon such appeal.

In any case in which benefits are awarded to a claimant in whole or in part upon the basis of pay earned in the service of a person or company found by the Board to be an employer as defined in this Act but which does not comply with the provisions of this Act and denies that it is such an employer, such benefits awarded on such basis shall be paid to such claimant subject to a right of recovery of such benefits. The Board shall thereupon designate one of its officers or employees to receive evidence and to report to the Board on whether such benefits should be repaid. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the proceedings provided for in this paragraph and for decisions upon such proceedings.

Final decision of the Board in the cases provided for in the preceding two paragraphs shall be communicated to the claimant and to the other interested parties within fifteen days after it is made. Any properly interested party notified, as hereinabove provided, of his right to participate in the proceedings may obtain a review of any such decision by which he claims to be aggrieved or the determination of any issue therein in the manner provided in subsection (f) of this section with respect to the review of the Board's decisions upon claims for benefits and subject to all provisions of law applicable to the review of such decisions. Subject only to such review, the decision of the Board upon all issues determined in such decision shall be final and conclusive for all purposes and shall conclusively establish all rights and obligations, arising under this Act, of every party notified as hereinabove provided of his right to participate in the proceedings.

(b) Subsection (e) of section 5 of the Railroad Unemployment Insurance Act provides:

In any proceeding other than a court proceeding, upon a claim for benefits, the rules of evidence prevailing in courts of law or equity shall not be controlling, but a full and complete record shall be kept of all proceedings and testimony, and the Board's final determination allowing or denying benefits, together with its findings of fact and conclusions of law in connection therewith, shall be communicated to the claimant within fifteen days after the date of such final determination.

(c) Subsection (f) of section 5 of the Railroad Unemployment Insurance Act provides in part:

Any claimant, and any railway labor organization organized in accordance with the provisions of the Railway Labor Act, of which such claimant is a member, may, only after all administrative remedies within the Board have been availed of and exhausted, obtain a review of any final decision of the Board with reference to a claim for benefits by filing a petition for review within ninety days after the mailing of notice of such decision to the claimant, or within such further time as the Board may allow, in the United States district court for the judicial district in which the claimant resides, or in the United States District Court for the District of Columbia. A copy of such petition, together with initial process, shall forthwith be served upon the Board or any officer designated by it for such purpose. Service may be made upon the Board by registered mail addressed to the Chairman. Within fifteen days after receipt of service, or within such additional time as the court may allow, the Board shall certify and file with the court in which such petition has been filed a transcript of the record upon which the findings and decision complained of are based. Upon such filing the court shall have exclusive jurisdiction of the proceeding and of the question determined therein, and shall give precedence in the adjudication thereof over all other civil cases not otherwise entitled by law to precedence. It shall have power to enter upon the pleadings and transcript of the record a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. The findings of the Board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive. No additional evidence shall be received by the court, but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court a transcript of the additional record. The judgment and decree of the court shall be final, subject to review as in equity cases.

§ 319.01 *Application for Certificate of Award of Benefits.* If any individual desires a determination of whether any service during a base year is employee service under the Railroad Unemployment Insurance Act or is creditable as such under the Railroad Retirement Acts, or whether amounts, commodities, services, or privileges earned for such service are compensation under those Acts, he shall execute on such form as the Board may prescribe an Application for a Certificate of Award of Benefits based upon such service and compensation and such other service and compensation as he considers creditable and which he may have performed or earned during the same base year. Such application shall be executed by the individual desiring the determination, and shall be filed with the Director of Employment and Claims.

§ 319.03 *Filing of application for Certificate of Award of Benefits.* An Application for Certificate of Award of Benefits may be filed either (a) by mailing it in a sealed envelope properly stamped and addressed to the Director of Employment and Claims, Railroad Retirement Board, Chicago, Illinois, or (b) by delivering it to the office of any regional director of the Board for transmission to the Director of Employment and Claims. An application, filed in the manner and form prescribed, shall be considered filed with the Board as of the date that it is received in the office of the Director of Employment and Claims or the date that it is received in the office of a regional director, whichever is the earlier.

§ 319.05 *Certification of application for determination.* Within five days after the filing date of an Application for Certificate of Award of Benefits, the Director of Employment and Claims shall certify the application to the Administrative Officer of the Division of Operating Control for determination in accordance with rules, regulations, and precedents established by the General Counsel or the Board.

§ 319.07 *Notice to parties by Administrative Officer of the Division of Operating Control.* Within five days from the date of the certification of the Application for Certificate of Award of Benefits by the Director of Employment

and Claims to the Administrative Officer of the Division of Operating Control, the Administrative Officer of the Division of Operating Control shall notify by letter the individual and all other known persons whose interests may be affected by the determination, and shall notify by publication all other persons whose interests may be affected by such determination but whose names or addresses are not known, of the issue or issues raised and of their right to participate in the proceeding. In addition, such notice shall request such individual and other persons to submit in writing within not more than twenty days from the date of such notice all available evidence bearing on the proceeding. Upon request and for good reason shown, the Administrative Officer of the Division of Operating Control may extend the time within which the evidence requested is to be submitted.

§ 319.10 *Certification to General Counsel or initial determination.* If after the expiration of the twenty-day period, or any extended period, provided in § 319.07, the Administrative Officer of the Division of Operating Control determines that the issue or issues involved in the proceeding include a question of employer status under the Acts or that a legal question involved is not covered by the rules, regulations, or precedents established by the General Counsel or the Board, he shall certify the record theretofore made in the proceeding to the General Counsel for further proceedings in accordance with §§ 319.40 et seq. of these regulations; otherwise he shall as soon as practicable make the determination of the issue or issues raised on the basis of the evidence submitted, and shall, within five days from the date of the determination, give notice in writing of the determination to all parties participating in the proceeding at the addresses furnished by them, and to all other known persons whose interests may be affected by the determination. This determination shall be known as the "initial determination."

§ 319.14 *Contents of initial determination.* The initial determination hereinabove provided for shall contain a statement of (a) the issue or issues raised, (b) the evidence submitted, (c) findings of fact, (d) conclusions of law, and (e) the determination made.

§ 319.16 *Effect of initial determination.* The initial determination made as hereinabove provided shall, subject to review as hereinafter provided, be binding upon all subordinate units of the Board except the Appeals Council and the General Counsel, and with respect to all issues determined in the intial determination shall be final and conclusive for all purposes, and shall conclusively establish all rights and obligations, arising under any act administered by the Board, of every person notified as hereinabove provided of his right to participate in the proceeding.

§ 319.18 *Certificate of award of benefits after initial determination.* If the initial determination is that the service is employee service or that the amounts, commodities, services, or privileges earned for such service are compensation under the Railroad Unemployment Insurance Act and the Railroad Retirement Acts, the Administrative Officer of the Division of Operating Control shall issue to the individual a Certificate of Award of Benefits on such form as the Board may prescribe, but if the employer affected by the determination does not comply with the provisions of the Railroad Unemployment Insurance Act, and denies that it is, with respect to the service and compensation involved in the determination, the employer within the meaning of the Act, all benefits paid pursuant to such award shall be paid subject to a right of recovery thereof; if the initial determination is otherwise, the Certificate of Award of Benefits shall be denied.

§ 319.20 *Appeal from initial determination.* Any person aggrieved by the initial determination shall have a right to appeal to the Appeals Council of the Board within forty days from the date the notice of such initial determination was mailed to him. Such appeal shall be made by the execution and filing of the appeal form prescribed by the Board. The right to further review of the initial determination shall be forfeited unless formal appeal is filed in the manner and within the time prescribed herein.

§ 319.23 *Procedure upon appeal.* Upon the filing of the appeal form in the manner and within the time prescribed herein, any party to the proceeding, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses, and to present argument. If, in the judgment of the Appeals Council, evidence not offered is available and relevant and is material to the merits of the appeal, the Appeals Council shall obtain such evidence upon its own initiative. The Appeals Council shall protect the record against scandal, impertinences, and irrelevancies, but the technical rules of evidence shall not apply.

§ 319.25 *Hearings, etc.* In the development of appeals, the Appeals Council shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. At the request of any party properly interested the Appeals Council shall provide a hearing, and the Appeals Council may provide a hearing on its own motion.

§ 319.27 *Record of appeal.* All oral evidence presented at any hearing shall be reduced to writing. All evidence presented by any party and all evidence developed by the Appeals Council shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the initial determination, shall constitute the record for decision of the appeal. After an appeal form is filed, the compilation of the record shall be initiated by the inclusion therein of the file made in the initial determination; the compilation of the record shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by any party to the appeal.

§ 319.30 *Decision of Appeals Council.* Upon completion of the record, the Appeals Council shall render a decision thereon as soon as practicable, and within five days after the making thereof, such decision shall be communicated in writing to all parties to the proceeding. Decision shall be taken by unanimous vote of the members of the Appeals Council, and such decision shall be either a decision upon the merits of the appeal, or a decision to certify the entire record as an automatic appeal to the Board.

§ 319.35 *Effect of decision of Appeals Council.* The decision of the Appeals Council, other than a decision to certify the entire record as an automatic appeal to the Board, shall, subject to review as hereinafter provided, be binding upon all subordinate units of the Board except the General Counsel, and with respect to all issues determined in the decision shall be final and conclusive for all purposes, and shall conclusively establish all right and obligations, arising under any act administered by the Board, of every person notified of his right to participate in the proceeding.

§ 319.40 *Procedure for initial determinations by the General Counsel.* Upon receipt by the General Counsel of a certification from the Administrative Officer of the Division of Operating Control pursuant to § 319.10, the General Counsel, if he has not previously rendered an opinion upon the issue or issues involved in the proceeding, shall, after such investigation as he deems appropriate, render an opinion thereon. When such opinion has been rendered, or when the General Counsel finds that he has previously rendered an opinion determining the issue or issues involved in the proceeding, or when in any other manner a controversy arises regarding the correctness of the determination of any issue or issues previously determined by an opinion of the General Counsel and relating to employer status or whether service is employee service or whether amounts, commodities, services, or privileges earned for such services are compensation under the Railroad Unemployment Insurance Act, the General Counsel shall ascertain whether benefits have theretofore been awarded or denied in accordance with such determination of such issue or issues and if such award or denial has not theretofore occurred, he shall forthwith enter a general order awarding or denying benefits in accordance with such determination of such issue or issues. If such general order is an award of benefits it shall, with respect to each individual affected thereby, have the same force and effect as a Certificate of Award of Benefits, upon the individual's establishing the amount of compensation earned by him in a particular base year and covered by the award, but if the employer affected by

the determination does not comply with the provisions of the Railroad Unemployment Insurance Act in accordance with such determination, and denies that it is, with respect to the service and compensation involved in the determination, the employer within the meaning of the Act, all benefits paid pursuant to such award shall be paid subject to a right of recovery thereof; if such order is a denial of benefits it shall, with respect to each individual affected thereby, have the same force and effect as a denial of a certificate of award of benefits.

§ 319.42 *Further proceedings after initial determination by the General Counsel.* Upon the conclusion of all action required pursuant to § 319.40 of these regulations, the General Counsel shall advise all parties properly interested in any issue involved in an initial determination, that such determination is reopened for further consideration and proceedings in accordance with this Part. After such reopening any party so notified thereof, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses, and to present argument. If in the judgment of the General Counsel, evidence not offered is available and relevant and is material to the proceedings, he shall obtain such evidence upon his own initiative. The record shall be protected against scandal, impertinence, and irrelevancies, but the technical rules of evidence shall not apply.

§ 319.45 *Hearings, after transfer to General Counsel.* In the development of a determination by the General Counsel under this Part, the General Counsel may designate as examiner, any employee of the Board to serve as examiner, with power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. At the request of any party properly interested, after an initial determination has been reopened, the General Counsel shall provide a hearing, and may provide a hearing on his own motion.

§ 319.48 *Development of record.* All evidence and argument presented by any party, and all evidence developed by an examiner or the General Counsel, shall be preserved and shall constitute a part of the record. All oral evidence presented at any hearing, and all oral argument, shall be reduced to writing. The record at any time shall be available for examination by any properly interested party or his representative.

§ 319.51 *Examiner's report.* Upon the completion of any hearing, the examiner shall, upon the basis of the entire record, render a report to the General Counsel as soon as practicable, and within five days after the making thereof shall send a copy of the report to each party appearing at the proceeding by mailing such a copy to him at the address stated in his appearance. Such report shall contain a statement of (a) the issue or issues raised, (b) the evidence submitted, (c) findings of fact, (d) conclusions of law, and (e) a recommended determination.

§ 319.53 *Exceptions to the examiner's report.* Any party to the proceeding may, within twenty days after the mailing to him of a copy of the examiner's report, file with the General Counsel and serve upon other parties by mailing to their addresses as stated in their appearances, such exceptions in writing as he desires to make to the examiner's findings of fact and conclusions of law. Each exception shall specifically designate the particular finding of fact or conclusion of law to which exception is taken, and shall set forth in detail the grounds of the exception. General exceptions and exceptions not specifically directed to particular findings of fact or conclusions of law will not be considered. Each party shall have ten days after the receipt of exceptions taken by other parties in which to file with the General Counsel replies to the exceptions. The General Counsel may, upon the application of any party and for cause shown, extend the time for filing and serving of exceptions or filing of replies thereto. The examiner's report shall be advisory but shall be presumed to be correct. Findings of fact to which no exceptions are taken will, subject only to the power of the General Counsel to reject or modify, stand confirmed.

§ 319.57 *Decision of General Counsel or certification to the Board for decision.* The General Counsel will render his decision upon the record, and if a hearing has been held, upon the basis also of the examiner's report and such exceptions and replies thereto as are made. The General Counsel shall render his decision as soon as practicable, and within five days after the making thereof, a copy of such decision shall be mailed to each party to the proceeding. In any case in which, in the judgment of the General Counsel, final disposition of the matter will be expedited thereby, he may, without rendering a decision, submit the matter to the Board for final decision upon the record, the examiner's report, exceptions thereto and replies, and such argument before the Board as the Board may allow. Upon such submission, the proceedings before the Board shall be in accordance with §§ 319.70 and 319.75.

§ 319.60 *Effect of decision of General Counsel.* The decision of the General Counsel shall, subject to review as hereinafter provided, be binding upon all subordinate units of the Board, and with respect to all issues determined therein, shall be final and conclusive for all purposes, and shall conclusively establish all rights and obligations, arising under any act administered by the Board, of every person notified of his right to participate in the proceeding.

§ 319.65 *Appeal from a decision of the Appeals Council or General Counsel.* Any person aggrieved by the decision of the Appeals Council or the General Counsel shall have a right to an appeal to the Railroad Retirement Board from any such decision by which he claims to be aggrieved. Any such person may make an appeal from such decision by executing and filing an appeal form prescribed by the Board, except as provided in § 319.30. Such appeal must be filed with the Board within forty days from the date upon which notice of the decision by the Appeals Council or the General Counsel is mailed to him at the address furnished by him. The right to further review of a decision of the Appeals Council or the General Counsel shall be forfeited unless formal appeal is filed in the manner and within the time prescribed herein.

§ 319.70 *Procedure upon appeal to Board.* Upon appeal to the Board, no additional evidence shall be received. In the event that any party to the proceeding shows that he is ready to present further material evidence, which for any reason he was not able to present to the Appeals Council or the General Counsel, the claim shall be referred back to the Appeals Council or the General Counsel for presentation of the further evidence. Upon receipt of such further evidence the Appeals Council or the General Counsel shall transmit to the Board a transcript thereof together with a recommendation to the Board for final decision.

§ 319.75 *Decision of the Board.* The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before appeal to the Board. Further argument will not be permitted except upon a showing by any party that he has arguments to present which for valid reasons he was unable to present to an earlier stage, and in cases in which the Board requests further elaboration of arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length, and time as the Board may indicate. The decision of the Board will be communicated to all parties to the proceeding within five days after it is made by mailing a copy of the decision to each such party at the address furnished by him.

§ 319.80 *Effect of decision of Board.* The decision of the Board, with respect to all issues determined therein, shall be final and conclusive for all purposes, and shall conclusively establish all rights and obligations, arising under any act administered by the Board, of every person notified of his right to participate in the proceeding.

§ 319.90 *Judicial review.* Any properly interested party notified of his right to participate in the proceeding may, as provided in section 5 (c) of the Railroad Unemployment Insurance Act, and in accordance with the provisions of section 5 (f) of the Railroad Unemployment Insurance Act, obtain judicial review of a final decision of the Board, under this Part, by which he claims to be aggrieved, by filing a petition for review in the proper district court within ninety days after the mailing to him of notice of such

decision, or within such further time as the Board may allow.

§ 319.95 *Pending proceedings.* All cases in which hearings have heretofore been authorized by specific order of the Board pursuant to the second or third paragraph of section 5 (c) of the Railroad Unemployment Insurance Act shall proceed to final decision of the Board in accordance with such orders and shall not be governed by these regulations except §§ 319.80 and 319.90, and except as the Board may by further order direct.

Dated: June 24, 1942.

By Authority of the Board.

[SEAL] RICHARD L. COOPER,
Secretary of the Board.

[F. R. Doc. 42-6009; Filed, June 26, 1942; 11:12 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1143—RAZORS AND RAZOR BLADES

[Amendment 1 to General Limitation Order L-72]

Section 1143.1 *General Limitation Order L-72*[1] is hereby amended in the following particular:

Paragraph (b) is hereby amended by adding thereto the following new subparagraph:

(b) * * *

(4) During the period from June 23, 1942, to July 31, 1942, inclusive:

(i) No manufacturer shall produce safety razors in an amount greater than 39 times 70% of the daily average of units of such razors produced by him during the base period;

(ii) No manufacturer shall produce razor blades in an amount greater than 39 times 100% of the daily average of units of such razor blades produced by him during the base period;

(iii) No manufacturer shall produce straight razors in an amount greater than 39 times 100% of the daily average of units of such straight razors produced by him during the base period. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6010; Filed, June 26, 1942; 11:19 a. m.]

PART 1162—DYESTUFFS

[Amendment 1 to Conservation Order M-103 (as Amended)]

Section 1162.1 *Conservation Order No. M-103*[2] is amended in the following respects:

(a) Paragraphs (a) (2) and (3) are amended by striking out the words "during the period beginning April 1, 1942, and ending June 30, 1942," wherever they appear therein, and inserting in lieu thereof the words, "during the period beginning July 1, 1942, and ending September 30, 1942," and by striking out the figures "12½%" wherever they appear therein, and inserting in lieu thereof the figures "17½%".

(b) Paragraph (c) (1) is amended by striking out the words "during the period beginning April 1, 1942, and ending June 30, 1942," and inserting in lieu thereof the words "during the period beginning July 1, 1942, and ending September 30, 1942,".

(c) Paragraph (c) (2) is amended by striking out the words "During the period from April 1, 1942, to June 30, 1942," and inserting in lieu thereof the words "During the period beginning July 1, 1942, and ending September 30, 1942,".

This amendment shall take effect on July 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6007; Filed, June 26, 1942; 11:20 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Amendment 2 to General Conservation Order M-126]

(a) The item "coffee roasting machinery" on List A of *General Conservation Order M-126*[1] (§ 1176.1) is amended to read as follows:

Coffee roasting machinery.[1]

(b) The item "manicure implements" on List A of *General Conservation Order M-126* (§ 1176.1) is deleted.

(c) The item "tags: identification; key; name; price" on List A of General Conservation Order M-126 (§ 1176.1) is amended to read as follows:

Tags: Key; name; price; identification—except:

(a) Personnel identification tags or badges where metal tags or badges are required for protection of governmental agencies.

(b) Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.

(c) Metal tags required by federal or state law for livestock and poultry.

(d) Pin attached or wire attached tickets for price marking soft goods.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6006; Filed, June 26, 1942; 11:20 a. m.]

PART 1183—WASTE PAPER

REVOCATION OF GENERAL INVENTORY ORDER M-129

Section 1183.1 *General Inventory Order No. M-129*[1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6004; Filed, June 26, 1942; 11:19 a. m.]

PART 1262—HAND SERVICE TOOLS

[Amendment 1 to General Preference Order E-6]

Exhibit A of § 1262.1 *General Preference Order E-6*[2] is amended by adding the following thereto:

Industrial hand files

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6005; Filed, June 26, 1942; 11:19 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[Amendment 1 to General Inventory Order M-161]

Section 1255.1 *General Inventory Order M-161*[3] is hereby amended by adding to Schedule A the following:

Paper, paperboard, and paper products, including waste paper, provided that the exceptions granted by General Inventory Order M-161, while continuing with respect to waste paper until specifically withdrawn, shall expire with respect to other paper, paperboard and paper products on September 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law

[1] 7 F.R. 2297, 3879.
[2] 7 F.R. 2458, 3930.
[1] 7 F.R. 3364, 3518, 3881, 4380.
[1] 7 F.R. 2631.
[2] 7 F.R. 4452.
[3] 7 F.R. 4174.

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6008; Filed, June 26, 1942; 11:25 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[Amendment 2 to General Inventory Order M-161[1]]

Section 1255.1 is hereby amended by adding, "Ilmenite" to Schedule (A) attached thereto.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6003; Filed, June 26, 1942; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Regulation 7]

ADJUSTMENT OF PRICES IN TERRITORIES AND POSSESSIONS

Procedure for the adjustment of maximum prices in the territories and possessions under § 1499.202 of Supplementary Regulation No. 13 to General Maximum Price Regulation.

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public Law No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following rules are hereby prescribed for the adjustment of maximum prices in the territories and possessions under § 1499.202 of Supplementary Regulation No. 13[2] to the General Maximum Price Regulation.[3]

Sec.

AUTHORITY: §§ 1300.501 to 1300.510, inclusive, issued under Public Law 421, 77th Cong.

§ 1300.501 *Definitions.* (a) As used in this Procedural Regulation No. 7 unless the context otherwise requires, the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person or persons as he may appoint or designate to carry out any of his duties.

(2) "Regional Administrator" means the Administrator of the Office of Price Administration for the Ninth Region, comprising the territories and possessions of the United States, or such person or persons as the Regional Administrator may appoint or designate to carry out any of his duties.

(3) "Appropriate territorial office" means the office of the Office of Price Administration for the territory or possession in which the particular selling unit or store of the applicant for adjustment is located.

(4) "General Maximum Price Regulation" means the Maximum Price Regulation issued by the Office of Price Administration on April 28, 1942 (F.R., Title 32, Chapter XI, Part 1499, §§ 1499.1 to 1499.25 inclusive).

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any, of its political subdivisions, or any agency of any of the foregoing.

(6) "Seller" means a seller of any commodity or service. Where a seller makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller.

§ 1300.502 *Right to apply for adjustment.* Any seller who finds that the maximum price of a commodity or service established for him under the provisions of the General Maximum Price Regulation is abnormally low:

(a) In relation to the maximum prices of the same or similar commodities or services established for other similar sellers; or

(b) Because of increased cost of importation resulting from increased rail and ocean freight and increased war risk insurance; or

(c) Because of the high cost of a commodity received by the seller on or before August 1, 1942;

and that this abnormality subjects him to substantial hardship, may apply for adjustment of that maximum price in the manner set forth below.

In establishing substantial hardship, the applicant shall produce evidence showing the loss suffered on the particular commodity or service as a result of the maximum prices established, and the effect of such loss on his overall operations.

§ 1300.503 *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this section.

§ 1300.504 *Place for filing applications and number of copies.* An original and two copies of an application for adjustment shall be filed in the appropriate Territorial Office.

§ 1300.505 *Investigation of application by territorial office.* Upon receipt of an application for adjustment, the Territorial Office, acting under the direction of the Regional Administrator, shall make such investigation of the facts involved in the application, hold such conferences, and request the filing of such affidavits as may be necessary to the proper disposition of the application.

§ 1300.506 *Action by Regional Administrator.* After due consideration, the Regional Administrator may grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision shall be accompanied by a statement of the reasons for his action. In cases of unusual difficulty or importance the Regional Administrator may refer the application for decision to the Administrator in Washington, D. C.

§ 1300.507 *Review by Administrator.* Any applicant whose application for adjustment has been denied, in whole or in part, by the Regional Administrator may, within thirty days after the date on which such order of denial was mailed to him, file with the appropriate Territorial Office a request for review by the Administrator of the order of denial. The request for review should contain a brief, concise and separately numbered statement of the objections to the order of denial.

§ 1300.508 *Action by Administrator.* After due consideration, the Administrator shall grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

§ 1300.509 *Protest of denial of application.* Any applicant whose application for adjustment is denied, in whole or in part, by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1.[4]

§ 1300.510 *Effective date.* This Procedural Regulation No. 7 (§§ 1300.501 to 1300.510) shall become effective June 26, 1942.

Issued this 25 day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5364; Filed, June 25, 1942; 4:42 p. m.]

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[1] 7 F.R. 4174.

[2] See Supplementary Regulation No. 13, this issue.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

[4] 7 F.R. 971.

PART 1306—IRON AND STEEL

[Amendment 6 to Revised Price Schedule 6[1]]

IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new paragraph (c) is added to § 1306.5. A new subparagraph (3) is added to paragraph (h) of § 1306.8. Paragraph (g) of § 1306.10 is amended to read as set forth below:

§ 1306.5 *Records and reports.* * * *

(c) Every producer of iron or steel products who converts or processes in any manner a steel product owned by a person other than the producer and charges a fee to such other person, shall file with the Office of Price Administration a brief statement setting forth the type and quantity of steel converted or processed, the name of the owner, the nature of the operation, and the fee charged for such operation. Such information need not be filed in cases in which the steel is purchased by the producer and resold to the original owner. Filing under this provision shall be made within ten days after the initiation of each such operation. Each producer shall also file such information for the period April 1, 1942, to June 30, 1942 inclusive, such filing to be made prior to July 15, 1942.

* * * * *

§ 1306.8 *Definitions.* * * *

(h) * * *

(3) The extras or other charges which may be charged on sales of cold finished steel bars and shafting shall be as established in subparagraphs (1) and (2) above: *Provided,* That:

(i) With respect to sales of cold finished carbon steel bars and shaftings:

(*a*) The extra of $.10 per hundred pounds for magnetic testing may be charged only when the specification expressly calls for magnetic testing, or when the specifications for surface seams and other defects of this type are sufficiently critical so that magnetic testing is necessary to determine whether or not the material will be acceptable.

(*b*) The extra of $.25 per hundred pounds for United States Government specifications requiring physical inspection or physical testing is restated to read for "U. S. Government specifications requiring physical testing," and this extra may be charged only when the steel is produced to definite physical specifications requiring tensile, impact, fracture, or similar tests.

(*c*) The extra of $.10 per hundred pounds for U. S. Government specifications requiring chemical inspection or chemical testing is eliminated and such extra may not be charged.

(*d*) The extra of $.15 per hundred pounds for extensometer testing may be charged only when the use of this instrument is specifically required in the specification, and this extra may not be charged when the extra of $.25 per hundred pounds for physical testing is charged.

(*e*) Extras for quality, such as "special requirement quality" and "shell quality," may be charged only when and in the amount that such extra has been charged by the producer of the hot rolled steel from which the cold finished steel is made. In the case of producers making both the hot rolled and cold finished bars, such extras may be charged only when properly applicable to the hot rolled bars.

(*f*) When strain and stress relieving or stabilizing by baking is specified or required to meet physical requirements of the U. S. Army and Navy specifications for 20 mm, 1.1", 37 mm and 40 mm shells and other ammunition components covered by U. S. Army Specifications 57–107–29, AXS–485, and AXS–605, and U. S. Navy Specifications OS–1231, OS–829, Grade C, and OS–829, Grade D (Class 2) and similar Army, Navy, Lend-Lease, British or other specifications, the extra of $.75 per hundred pounds for annealing or normalizing may be charged, but such charge shall include all charges for physical testing, including magnetic testing and use of extensometer, and no other extras for physical testing may be charged.

(ii) With respect to sales of cold finished alloy steel bars:

(*a*) On analyses of alloy steels for which chemical extras and extras for alloy content are not included in the standard extra lists, the applicable charge for chemical composition and alloy content shall be calculated from the list of extras for hot rolled alloy steel bars as published and filed by the Carnegie-Illinois Steel Corporation.

(*b*) On U. S. Government specifications requiring physical testing such as tensile, impact, or fracture testing, an extra of $.25 per hundred pounds may be charged: *Provided,* That when this extra is charged, the extra of $.25 per hundred pounds for use of extensometer shall not be charged: *Provided further,* That this extra shall not be charged when the steel is heat-treated and/or stress relieved by the cold finished bar producer.

(*c*) The extra of $.10 per hundred pounds for U. S. Government specifications and/or inspection may be charged only when such extra has been charged by the producer of the hot-rolled steel from which the cold-finished steel is made, or, in the case of integrated producers, only when applicable to the hot rolled bars.

(*d*) The maximum extra which may be charged for the stamping of heat numbers and symbols on one end of individual bars shall be $.25 per hundred pounds regardless of the number of stamps which may be required.

(*e*) When bars in the form of rounds or hexagons are furnished in coils, a discount of $.15 per hundred pounds shall be deducted from the selling price.

(*f*) The extra of $.50 per hundred pounds for steel guaranteed free from decarburization may not be charged when the steel is turned, turned and polished, or turned, ground, and polished.

(iii) Where the rules and interpretations as listed above mention "U. S. Government specifications", this term shall include British, Russian, and other governmental specifications of a similar nature, and also other specifications designed to procure steel for ordnance purposes.

* * * * *

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.* * * *

(g) (1) The maximum base price for carbon steel ingots, rerolling quality, standard analysis, shall be $31.00 per gross ton, f. o. b. mill.

(2) The maximum basing point base price for unfabricated new-billet concrete reinforcing bars shall be $2.15 per hundred pounds, subject to the following mandatory adjustments:

(i) A discount of $.25 per hundred pounds on orders released for shipment to one destination at one time and in quantities of 20 tons or more of one size and one length 30 feet or over or in random mill lengths, when such sales are made to persons in the business of fabricating such reinforcing bars for resale and who maintain warehousing facilities, equipment for cutting and bending, and engineering services. This paragraph shall apply to direct purchases by the Tennessee Valley Authority and the Bureau of Reclamation.

(ii) Such other functional or customary discounts to contractors, jobbers, brokers, or others as each individual producer was granting on April 16, 1941, and is required to maintain by § 1306.10 (i).

(iii) Such differentials as are allowed or enforced by other sections of paragraphs of Revised Price Schedule No. 6 in the case of Gulf ports, Pacific ports and other delivered price areas.

§ 1306.9a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1306.5 (c), 1306.8 (h) (3) and 1306.10 (g), as amended) to Revised Price Schedule No. 6 shall become effective June 30, 1942.

(Pub. Law. 421, 77th Cong.)

Issued this 26th day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5986; Filed, June 26, 1942; 10:51 a. m.]

[1] 7 F.R. 1215, 1836, 2132, 2153, 2298, 2299, 2351, 3330.

PART 1340—FUEL

[Amendment 3 to Maximum Price Regulation 137[1]]

MOTOR FUEL SOLD AT SERVICE STATIONS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (a) in § 1340.89 is amended to read as set forth below:

[1] 7 F.R. 3165, 3749, 4273.

§ 1340.89 *Procedure for adjustment or amendment*—(a) *Application for adjustment.* Any seller of motor fuel at service stations who finds that the maximum price of motor fuel established for him under the provisions of Appendix A (§ 1340.91) of this Maximum Price Regulation No. 137 is abnormally low in relation to the maximum prices of motor fuel established for other sellers thereof at service stations, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 2[a] except for the last sentence of § 1300.105 of said Regulation.

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (1340.89 (a)) Maximum Price Regulation No. 137 shall become effective June 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5987; Filed, June 26, 1942; 10:51 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Revised Price Schedule No. 87, as Amended]

SCRAP RUBBER

The preamble and §§ 1315.1251 to 1315.1260, inclusive, of Revised Price Schedule No. 87[1] are amended and renumbered and are issued as Revised Price Schedule No. 87, as Amended—Scrap Rubber.

On January 31, 1942, Price Schedule No. 87[2] was issued, establishing maximum prices for the principal kinds of scrap rubber, consisting of tires, tire parts and tubes. As then stated in the preamble to the Schedule: The War being waged with the Japanese Empire made uncertain the future shipments of rubber from the Far East. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it was necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. This restriction upon the processing of crude rubber was expected to cause a marked increase in the use of such materials as reclaimed rubber which serve as substitutes for crude rubber. The demand for scrap rubber, the material from which reclaimed rubber is made, was expected to expand sharply, thereby producing grave danger of further price increases.

Scrap rubber prices had been rising steadily in recent months. The maximum prices fixed by Price Schedule No. 87 were based on prices prevailing shortly before the outbreak of the war in the Pacific.

Because of the vital importance to the nation's war effort of keeping the cost of substitution of reclaimed rubber for crude rubber to a minimum, the Office of Price Administration fixed the price of reclaimed rubber by Price Schedule No. 56.[3] As an essential and integral part of the Government's rubber program, and in order to make the other steps effective, it was necessary during the present emergency to establish the maximum prices for scrap rubber set forth in Price Schedule No. 87. Price Schedule No. 87, by order issued February 17, 1942,[4] was re-issued under Section 206 of the Emergency Price Control Act of 1942 as Revised Price Schedule No. 87.[5]

This Revised Price Schedule No. 87, as Amended, continues in effect the maximum prices in effect under Revised Price Schedule No. 87 and establishes additional maximum prices for sales of scrap rubber not included in Revised Price Schedule No. 87.

In the judgment of the Price Administrator, the prices of scrap rubber, for which no maximum prices were established in Revised Price Schedule No. 87, have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of such scrap rubber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Schedule.

In the judgment of the Price Administrator, the maximum prices established by this Revised Price Schedule No. 87, as Amended, are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this Revised Price Schedule No. 87, as Amended, has been issued simultaneously herewith and filed with the Division of the Federal Register.

AUTHORITY: §§ 1315.1251 to 1315.1263, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1315.1251 *Maximum prices for scrap rubber.* On and after June 26, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver scrap rubber to a consumer, and no consumer shall buy or receive scrap rubber, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1263; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That a sale of scrap rubber articles or materials to a person who acquires them solely for the purpose of re-sale, or to repair or re-condition them to make them re-usable for their original purpose, shall not be deemed a sale to a consumer.

§ 1315.1252 *Licensing.* The provisions of Supplementary Order No. 5[6]—Licensing, are applicable to every dealer subject to this Revised Price Schedule No. 87, as Amended, selling scrap rubber to a consumer. The term "dealer" as used in this section shall have the meaning given it by Supplementary Order No. 5—Licensing.

§ 1315.1253 *Sales for Export.* The maximum prices at which a person may export scrap rubber shall be determined in accordance with the provisions of the Maximum Export Price Regulation[7] issued by the Office of Price Administration.

§ 1315.1254 *Applicability of the General Maximum Price Regulation.*[8] The provisions of this Revised Price Schedule No. 87, as amended, supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established in this Schedule.

§ 1315.1255 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1315.1263) may be charged, demanded, paid or offered.

§ 1315.1256 *Adjustable pricing.* No person subject to the provisions of this Revised Price Schedule No. 87, as Amended, shall enter into any agreement permitting the adjustment of the prices of scrap rubber to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.1257 *Evasion.* The price limitations set forth in this Revised Price Schedule No. 87, as Amended, shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to scrap rubber, alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1258 *Records and reports.* (a) Every person making a sale or purchase of scrap rubber subject to this Revised Price Schedule No. 87, as Amended, after February 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one

[a] 7 F.R. 3522, 3664.
[1] 7 F.R. 1369, 1836, 2000, 2132.
[2] 7 F.R. 658, 755.
[3] 6 F.R. 6455; re-printed, by order issued February 17, 1942, as Revised Price Schedule No. 56; 7 F.R. 1313.
[4] 7 F.R. 1201.
[5] 7 F.R. 1369.
[6] 7 F.R. 3403.
[7] 7 F.R. 3036, 3824, 4294.
[8] 7 F.R. 3153, 3330, 3639, 3390, 3391, 4339.

year complete and accurate records of (1) each such sale or purchase showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade purchased or sold, and (2) the quantity of each grade of scrap rubber on hand and on order, as of the close of each calendar month.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1259 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 87, as Amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 87, as Amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1260 *Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 87, as Amended, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[9] issued by the Office of Price Administration.

§ 1315.1261 *Definitions.* (a) When used in this Revised Price Schedule No. 87, as Amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Scrap rubber" includes any waste or discarded rubber article or material usable for the production of reclaimed rubber or in the manufacture of any product.

(3) "Consumer" means any person consuming scrap rubber in the production of reclaimed rubber or in the manufacture of any product.

(4) "Ton" means a short ton of 2000 pounds net weight. Bags, coverings or containers shall not be included in the net weight.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1262 *Effective dates of amendments.* (a) This Revised Price Schedule No. 87, as Amended (§§ 1315.1251 to 1315.1263, inclusive) shall become effective June 26, 1942.

§ 1315.1263 *Appendix A: Maximum prices for scrap rubber*—(a) *Chief consuming centers.* The maximum prices listed in Tables I, II and III for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton. Maximum prices at consuming centers]

Kind of scrap rubber	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Passenger tires: [1]							
Mixed passenger tires [2]	$18.00	$17.50	$16.50	$16.40	$15.50	$14.00	$12.00
Beadless passenger tires [3]	24.00	23.50	22.12	22.00	20.88	19.00	16.50
Passenger S. A. G. [4]	18.50	18.00	17.00	16.90	16.00	14.50	12.50
Passenger dykes [5]	24.00	23.50	22.12	22.00	20.88	19.00	16.50
Truck tires: [6]							
Mixed truck tires [7]	18.00	17.50	16.50	16.40	15.50	14.00	12.00
Beadless truck tires [8]	24.00	23.50	22.12	22.00	20.88	19.00	16.50
Truck dykes [9]	24.00	23.50	22.12	22.00	20.88	19.00	16.50
No. 1 truck S. A. G. [10]	16.50	16.00	15.00	14.90	14.00	12.50	10.50
No. 2 truck S. A. G. [11]	16.50	16.00	15.00	14.90	14.00	12.50	10.50
Solid tires [12]	34.00	33.50	31.50	31.00	29.50	27.00	23.50

Specifications

[1] *Passenger tires.* Shall consist of whole pneumatic tire casings having six plies or less, and shall be free from hard, oxidized, burnt, filled, non-pneumatic, single tube and motorcycle tires, and from leather and metal.

[2] *Mixed passenger tires.* This kind shall consist of black whole tires free from strip tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of roadworn tires.

[3] *Beadless passenger tires.* This kind shall consist of Mixed Passenger Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Passenger Tires.

[4] *Passenger S. A. G.* This kind shall consist of pieces of pneumatic passenger tires from which the treads and beads have been removed and may or may not contain sidewall rubber.

[5] *Passenger dykes.* This kind shall consist of beadless passenger tires from which two or more layers of fabric have been removed.

[6] *Truck tires.* Shall consist of whole pneumatic tires casings for busses and trucks having seven plies or more, and shall be free from hard, oxidized, burnt, filled, non-pneumatic single tube tires, and from leather and metal.

[7] *Mixed truck tires.* This kind shall consist of black whole tires free from stripped tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of Roadworn Tires.

[8] *Beadless truck tires.* This kind shall consist of Mixed Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Truck Tires.

[9] *Truck dykes.* This kind shall consist of beadless truck tires from which two or more layers of fabric have been removed.

[10] *No. 1 truck S. A. G.* This kind shall consist of pieces of pneumatic bus and truck tires from which the tread and beads, but not the sidewall, have been removed.

[11] *No. 2 truck S. A. G.* This kind shall consist of a mixture of No. 1 Passenger S. A. G. with No. 1 Truck S. A. G. and may or may not contain sidewall rubber.

[12] *Solid tires.* This kind shall consist of solid motor truck tires over two and one-half inches in width free from oxidized tires, industrial truck tires, metal, hard bases, fibre bases and cloth bases.

TABLE II

[Maximum prices at consuming centers]

Kind of scrap rubber	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 passenger peelings [1]	47.50	40.00
No. 2 passenger peelings [2]	30.00	22.50
No. 3 passenger peelings [3]	27.50	20.00
No. 1 truck peelings [4]	47.50	37.50
No. 1A truck peelings [5]	50.00	38.75
No. 2 truck peelings [6]	30.00	22.50
No. 3 truck peelings [7]	27.50	20.00
No. 1 light colored (zinc) carcass [8]	52.50	40.00
No. 2 light colored carcass [9]	50.00	38.75
Gray carcass [10]	47.50	37.50
	Cents per pound	*Cents per pound*
Passenger tubes: [11]		
No. 2 passenger tubes [12]	7¾	7¼
Light colored No. 2 passenger tubes [13]	8¼	7¾
Red passenger tubes [14]	7½	7
Black passenger tubes [15]	6¾	6¼
Mixed passenger tubes [16]	6¾	6¼
Truck tubes: [17]		
No. 2 truck tubes [18]	7½	7
Red truck tubes [19]	7¼	6¾
Black truck tubes [20]	6¼	4¾
Two-toned black-gold tubes [21]	6¾	6¼
Two-toned red-black tubes [22]	6½	6

Specifications

[1] *No. 1 passenger peelings.* This kind shall consist of treads stripped from black pneumatic passenger tires. The material shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads.

[2] *No. 2 passenger peelings.* This kind shall consist of treads stripped from black pneumatic passenger tires. The material may contain cushion rubber, breaker fabric and sidewalls plus no more than one full ply of carcass fabric.

[3] *No. 3 passenger peelings—(Bald head peelings).* This kind is the same as No. 2 passenger peelings except that a part of the tread has been removed.

[4] *No. 1 truck peelings.* This kind shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, but shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads. This grade may contain not more than 10% of No. 1 passenger peelings.

[5] *No. 1 A truck peelings.* This kind shall have the same specifications as No. 1 truck peelings except these peelings shall be free from cushion rubber.

[6] *No. 2 truck peelings.* This kind shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, breaker fabric and sidewalls, but no more than one full ply of carcass fabric.

[7] *No. 3 truck peelings—(Bald head peelings).* This kind is the same as No. 2 truck peelings except that a part of the tread has been removed.

[8] *No. 1 light colored carcass.* This kind shall consist of all white zinc carcass free of black edges and any other colored rubber.

[9] *No. 2 light colored carcass.* This kind shall consist of light colors as white, pink, light gray, pure gum and light brown carcass, free of all black edges and dark colored rubber.

[10] *Gray carcass.* This kind shall consist of gray, and colors too dark for delivery under No. 2 Light Colored Carcass, and shall be free of all black edges and black rubber.

[11] *Passenger tubes.* Shall consist of inner tubes for pneumatic passenger tires, free from sections of tubes less than 12 inches long, free from truck, bus and puncture-proof tubes, crusty and oxidized tubes, and free from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All passenger tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve cots and the bases of such valves.

[12] *No. 2 passenger tubes.* This kind shall consist of compounded passenger tubes free from black, red and two-toned passenger tubes.

[13] *Light colored No. 2 passenger tubes.* This kind shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and the seller.

[9] 7 F.R. 971, 3663.

[14] *Red passenger tubes.* This kind shall be strictly RED tubes.

[15] *Black passenger tubes.* This kind shall be strictly black compounded passenger tubes. Black rubber valve cots and their bases may be present, but no metal valves or parts.

[16] *Mixed passenger tubes.* This kind shall consist of whole tubes of various colors and qualities and may contain valves unless otherwise specified in the purchase contract.

[17] *Truck tubes.* Shall consist of inner tubes for pneumatic truck and bus tires, free from sections of tubes less than 12 inches long, and free from crusty, oxidized or puncture-proof tubes, metal and punchings. All truck tubes, except Mixed Truck Tubes, shall be free from metal valves and from black rubber valve cots and the bases of such valves unless otherwise specified in the purchase contract.

[18] *No. 2 truck tubes.* This kind shall consist of compounded truck tubes free from black, red and two-toned tubes.

[19] *Red truck tubes.* This kind shall be strictly RED tubes.

[20] *Black truck tubes.* This kind shall be strictly black compounded truck tubes. Black rubber valve cots and their bases may be present, but no metal valves and parts.

[21] *Two-toned black-gold tubes.* This kind shall be two-toned black and gold passenger or truck tubes.

[22] *Two-toned red-black tubes.* This kind shall be two-toned red and black passenger or truck tubes.

TABLE III

Kind of scrap rubber	Maximum prices at all consuming centers
	Dollars per short ton
Buffings [1]	35.00
Bicycle tires [2]	15.00
Passenger tire beads [3]	5.00
Truck tire beads [4]	7.00
Air bags and water bags [5]	15.00
Air brake hose [6]	25.00
Miscellaneous hose [7]	17.00
Mats and matting [8]	15.00
Rubber boots and shoes [9]	33.00
No-mark soles and trimmings [10]	35.00
Black soles and trimmings [11]	32.00
Rubber heels [12]	16.00
Black mechanical scrap, above 1.10 [13]	20.00
General household and industrial scrap [14]	15.00
	Cents per pound
Black mechanical scrap, 1.10 or below [15]	5
Light colored mechanical scrap, 1.10 or below [16]	10
Light colored mechanical scrap, 1.30 or below [17]	5
Light colored mechanical scrap, 1.50 or below [18]	4½
Light colored mechanical scrap, above 1.50 [19]	4
White or light colored friction scrap, unprocessed [20]	10
Black or mixed friction scrap, unprocessed [21]	6
White or light colored friction scrap, processed [22]	12½
Black or mixed friction scrap, processed [23]	8½
Other unvulcanized scrap rubber, white or light colored [24]	18
Other unvulcanized scrap rubber, black or mixed [25]	9

Specifications

[1] *Buffings.* This kind shall consist of buffings from tires or rubber stocks comparable in quality to tires, and shall be free from fabric, asbestos, buffing brush wires and other extraneous materials.

[2] *Bicycle tires.* This kind shall consist of bicycle tires, with or without beads, and shall be free from oxidized tires and metal valves.

[3] *Passenger tire beads.* This kind shall consist of the beads of all motor car tires having six plies or less.

[4] *Truck tire beads.* This kind shall consist of the beads of all motor car tires having seven or more plies.

[5] *Air bags and water bags.* This kind shall consist of air bags or water bags free from metal and free from burnt, cracked rubber.

[6] *Air brake hose.* This kind shall consist of railroad air brake hose and shall be free from steam hose or any other kind of hose.

[7] *Miscellaneous hose.* This kind shall consist of all types of rubber hose except air brake hose and be free from metal, rags and rope.

[8] *Mats and matting.* This kind shall consist of all types of rubber mats, matting, stair treads, and shall be free from metal, rags and rope.

[9] *Rubber boots and shoes.* This kind shall consist of rubber boots and shoes, arctics, and tennis shoes, including black, white or colored boots and shoes, cloth top shoes and gaiters, and light all-rubber gaiters. It shall be free from leather, any composite non-rubber material, metal and other extraneous materials.

[10] *No-mark soles and trimmings.* This kind shall consist of rubber soles, and the trimmings from rubber soles, made from white or light colored stock but shall be entirely free from black rubber stock, metal, leather, wood, and other extraneous materials.

[11] *Black soles and trimmings.* This kind shall consist of rubber soles, and the trimmings from rubber soles, made from black rubber stock and shall be free from metal, leather, wood, and other extraneous materials.

[12] *Rubber heels.* This kind shall consist of rubber heels with or without nails, free from leather and wood.

[13] *Black mechanical scrap, above 1.10.* This kind shall consist of black rubber articles, free from fabric, metal, leather, wood and other extraneous materials and having a specific gravity above 1.10.

[14] *General household and industrial scrap.* This kind shall consist of miscellaneous unsorted rubber articles collected from households or industrial, mining, commercial or similar establishments.

[15] *Black mechanical scrap, 1.10 or below.* This kind shall consist of all forms of black rubber articles free from fabric, metal, wood, and other extraneous materials, and having a specific gravity of 1.10 or below.

[16] *Light colored mechanical scrap, 1.10 or below.* This kind shall consist of all forms of white or light colored rubber articles free from fabric, metal, wood, and other extraneous materials, having a specific gravity of 1.10 or below.

[17] *Light colored mechanical scrap, 1.30 or below.* This kind shall consist of all forms of white or light colored rubber articles free from fabric, metal, wood, and other extraneous materials, and having a specific gravity above 1.10 and not exceeding 1.30.

[18] *Light colored mechanical scrap, 1.50 or below.* This kind shall consist of all forms of white or light colored rubber articles free from fabric, metal, wood, and other extraneous materials, and having a specific gravity above 1.30 and not exceeding 1.50.

[19] *Light colored mechanical scrap above 1.50.* This kind shall consist of all forms of white or light colored rubber articles free from fabric, metal, wood, and other extraneous materials, and having a specific gravity of more than 1.50.

[20] *White or light colored friction scrap, unprocessed.* This kind shall consist of white or light colored unvulcanized factory scrap containing fabric.

[21] *Black or mixed friction scrap, unprocessed.* This kind shall consist of black unvulcanized factory scrap containing fabric, but may include white or light colored unvulcanized factory scrap.

[22] *White or light colored friction scrap, processed.* This kind shall be the same as No. 20, except that it must be processed in accordance with standard trade practice.

[23] *Black or mixed friction scrap, processed.* This kind shall be the same as No. 21, except that it must be processed in accordance with standard trade practice.

[24] *Other unvulcanized scrap rubber, white or light colored.* This kind shall consist of white or light colored unvulcanized scrap rubber, free of fabric and free of all extraneous materials.

[25] *Other unvulcanized scrap rubber, black or mixed.* This kind shall consist of black unvulcanized scrap rubber, free of fabric and free of all extraneous materials, but may include white or light colored unvulcanized scrap rubber.

(b) *Other consuming mills.* (1) For any sale of scrap rubber of the kinds specified in Tables I and II to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If to any such consuming mill the freight charge on scrap rubber from two or more of the consuming centers listed in Tables I and II is equal, and it is not lower from any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(2) For any sale of scrap rubber of the kinds specified in Table III to any consumer for use in a consuming mill not located in a consuming center, the applicable maximum prices shall be those set forth in Table III.

(c) *Scrap rubber not meeting grade specifications.* The highest grade or quality of each kind of scrap rubber is defined by the specifications set forth in the footnotes to Tables I, II and III of paragraph (a) of this section. All prices listed represent respectively the maximum prices for the highest grade or quality of each kind as so defined. The presence of one or more of the objectionable features specified in the respective grade or quality specifications shall be deemed to lower the quality of the particular kind of scrap rubber sold. Any sale of scrap rubber of lower quality than that specified in Table I, II or III for the respective kind shall be made at an appropriate differential, below the maximum price for that kind listed in Table I, II or III and commensurate with the difference in quality involved.

(d) *Delivered prices.* The prices specified in this Appendix are the maximum prices that may be paid by any consumer, or charged by any person, for scrap rubber sold to a consumer and delivered to the consumer's mill. The maximum prices set forth shall include all transportation costs. If the seller does not deliver the scrap rubber to the consumer's mill, the maximum prices shall be the maximum prices specified in paragraphs (a), (b) and (c) of this section, less the lowest applicable published charges for transportation by rail, water or truck carrier to the consumer's mill, or if no such charges are published, the direct costs actually involved in transporting the scrap rubber to the consumer's mill.

(e) *Packing.* (1) The prices specified in this Appendix represent maximum prices for scrap rubber that is packed as follows:

(i) Mixed and headless passenger and truck tires, solid rubber tires and bicycle tires may be shipped bundled or loose in cars.

(ii) All other kinds of scrap rubber shall be packed in bags or bales, with each kind packed separately. Each bale shall weigh not less than 500 pounds nor more than 1,500 pounds and shall be well and securely bound.

(2) Any sale of scrap rubber not packed in accordance with the provisions of this paragraph must be made at appropriate differentials below the maximum prices specified in paragraphs (a) (b) and (c) of this section.

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5933; Filed, June 26, 1942; 10:52 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 21A]

MAXIMUM RENT REGULATION FOR HOTELS AND ROOMING HOUSES

VARIOUS DEFENSE RENTAL AREAS

In the judgment of the Administrator, rents for housing accommodations within the Defense-Rental Area and each of the portions of a Defense-Rental Area set out in § 1388.1501 (a) of this Maximum Rent Regulation, as designated in the Designations and Rent Declarations issued by the Administrator on March

2, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designations and Rent Declarations.

It is the judgment of the Administrator that by April 1, 1941 defense activities already had resulted in increases in rents for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the said Defense-Rental Area and each of the said portions of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.1501 to 1388.1514, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1501 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all rooms in hotels and rooming houses within the following Defense-Rental Area and each of the following portions of a Defense-Rental Area (each Defense-Rental Area or portion of a Defense-Rental Area is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations issued by the Administrator (§§ 1388.1 to 1388.5, 1388.301 to 1388.305 and 1388.401 to 1388.405, inclusive) on March 2, 1942, except as provided in paragraph (b) of this section:

(1) That portion of the San Diego Defense-Rental Area consisting of the Judicial Townships of Encinitas, National and San Diego, in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, all in the County of San Diego, in the State of California.

(2) The Columbus, Georgia Defense-Rental Area, consisting of the County of Muscogee, in the State of Georgia; and Election Precinct One, including the City of Phenix City, in the County of Russell, in the State of Alabama.

(3) That portion of the Burlington Defense-Rental Area consisting of the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union, in the County of Des Moines; the Townships of Baltimore, Center, Mount Pleasant, and New London, in the County of Henry; and the Townships of Denmark, Green Bay, Madison, and Washington, in the County of Lee, all in the State of Iowa.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.1502 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.1503 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.1505 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.1505 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.1504 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.1505) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on January 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after January 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after January 1, 1941 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph.

The Administrator may order a decrease in the maximum rent as provided in § 1388.1505 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.1505 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on January 1, 1941 the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since January 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending January 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to January 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on January 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(5) There was in force on January 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services, or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on January 1, 1941.

§ 1388.1506 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension of renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligtaion to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord

that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except on action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.1507 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.1504 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.1508 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.1509 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.1510 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.1511 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1512 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1513 *Definitions.* (a) When used in this Maximum Rent Regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a

building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.1514 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.1501 to 1388.1514, inclusive) shall become effective July 1, 1942.

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5967; Filed, June 25, 1942; 4:44 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 22A]

MAXIMUM RENT REGULATION FOR HOTELS AND ROOMING HOUSES

VARIOUS DEFENSE RENTAL AREAS

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and each of the portions of a Defense-Rental Area set out in § 1388.1551 (a) of this Maximum Rent Regulation, as designated in the Designations and Rent Declarations issued by the Administrator on March 2, 1942, and on April 2, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designations and Rent Declarations.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area or portion of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.1551 to 1388.1564, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1551 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas and portions of a Defense-Rental Area (each Defense-Rental Area or portion of a Defense-Rental Area is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations issued by the Administrator on March 2, 1942 (§§ 1388.51 to 1388.55, 1388.101 to 1388.105, 1388.151 to 1388.155, 1388.201 to 1388.205, 1388.251 to 1388.255, 1388. 351 to 1388.355, 1388.501 to 1388.505, 1388.551 to 1388.555, 1388.601 to 1388.605, 1388.651 to 1388.655, 1388.701 to 1388.705, 1388.801 to 1388.805, 1388.851 to 1388.855, 1388.901 to 1388.905, and 1388.951 to 1388.955, inclusive), and on April 2, 1942 (1388.1001 to 1388.1005, inclusive), except as provided in paragraph (b) of this section:

(1) The Birmingham Defense-Rental Area, consisting of the County of Jefferson, in the State of Alabama.

(2) The Mobile Defense-Rental Area, consisting of the County of Mobile, in the State of Alabama.

(3) That portion of the Bridgeport Defense-Rental Area consisting of the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport, in the County of Fairfield, in the State of Connecticut.

(4) That portion of the Hartford-New Britain Defense-Rental Area consisting of the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks, in the County of Hartford; the Towns of Cromwell, Middlefield, Middletown, and Portland, in the County of Middlesex; the Towns of Meriden and Wallingford, in the County of New Haven; and the Town of Vernon, into the County of Tolland, all in the State of Connecticut.

(5) That portion of the Waterbury Defense-Rental Area consisting of the Towns of Plymouth, Thomaston, and Watertown, in the County of Litchfield; and the Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott, in the County of New Haven, all in the State of Connecticut.

(6) The South Bend Defense-Rental Area, consisting of the Counties of St. Joseph and Elkhart, in the State of Indiana.

(7) The Baltimore Defense-Rental Area, consisting of the City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard, in the State of Maryland.

(8) That portion of the Detroit Defense-Rental Area consisting of the Counties of Macomb, Oakland, and Wayne, in the State of Michigan.

(9) That portion of the Schenectady Defense-Rental Area consisting of the County of Schenectady in its entirety; and the Towns of Ballston, Charlton, and Clifton Park, in the County of Saratoga, all in the State of New York.

(10) The Wilmington, North Carolina Defense-Rental Area, consisting of the County of New Hanover, in the State of North Carolina.

(11) That portion of the Akron Defense-Rental Area consisting of the County of Summit in its entirety; and the Township of Wadsworth in the County of Medina, all in the State of Ohio.

(12) That portion of the Canton Defense-Rental Area consisting of the County of Stark, in the State of Ohio.

(13) The Ravenna Defense-Rental Area, consisting of the County of Portage, in the State of Ohio.

(14) The Youngstown-Warren Defense-Rental Area, consisting of the Counties of Mahoning and Trumbull, in the State of Ohio.

(15) That portion of the Hampton Roads Defense-Rental Area consisting of the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City in its entirety; the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch, in the County of Norfolk; the Magisterial Districts of Kempsville and Lynnhaven, in the County of Princess Anne; and the Magisterial District of Newport, in the County of Warwick, all in the State of Virginia.

(16) The Puget Sound Defense-Rental Area, consisting of the County of Kitsap and those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest, all in the State of Washington.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.1552 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.1553 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.1555 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.1555 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.1554 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.1555) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on April 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on April 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after April 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after April 1, 1941 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1555 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.1555 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on April 1, 1941 the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on April 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to April 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on April 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(5) There was in force on April 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

§ 1388.1556 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.1557 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.1554 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.1558 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.1559 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the

practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.1560 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.1561 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1562 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1563 *Definitions.* (a) When used in this Maximum Rent Regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designated to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.1564 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.1551 to 1388.1564, inclusive) shall become effective July 1, 1942.

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5968; Filed, June 25, 1942; 4:44 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation No. 23A]

MAXIMUM RENT REGULATION FOR HOTELS AND ROOMING HOUSES

VARIOUS DEFENSE RENTAL AREAS

In the judgment of the Administrator, rents for housing accommodations within the Wichita Defense-Rental Area and the portion of the Cleveland Defense-Rental Area set out in § 1388.1601 (a) of this Maximum Rent Regulation, as designated in the Designations and Rent Declarations issued by the Administrator on March 2, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designations and Rent Declarations.

It is the judgment of the Administrator that by April 1, 1941 defense activities had not yet resulted in increases in rents for housing accommodations within the Wichita Defense-Rental Area and the said portion of the Cleveland Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Wichita Defense-Rental Area and the said portion of the Cleveland Defense-Rental Area on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the Wichita Defense-Rental Area and the said portion of the Cleveland Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.1601 to 1388.1614, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1601 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all rooms in hotels and rooming houses within the following Defense-Rental Area and the following portion of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.451 to 1388.455 and 1388.751 to 1388.755, inclusive) issued by the Administrator on March 2, 1942, except as provided in paragraph (b) of this section:

(1) The Wichita Defense-Rental Area, consisting of the County of Sedgwick, in the State of Kansas.

(2) That portion of the Cleveland Defense-Rental Area consisting of the County of Cuyahoga in its entirety; and, in the County of Lake, the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby, all in the State of Ohio.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for

a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.1602 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.1603 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.1605 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.1605 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.1604 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.1605) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after July 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during the period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after July 1, 1941 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1605 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.1605 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on July 1, 1941 the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on July 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to July 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on July 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the rooms since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(5) There was in force on July 1, 1941, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

§ 1388.1606 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.1607 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.1604 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state.

Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.1608 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.1609 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.1610 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.1611 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3. (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1612 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3, (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1613 *Definitions.* (a) When used in this Maximum Rent Regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.1614 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.1601 to 1388.1614, inclusive) shall become effective July 1, 1942.

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5963; Filed, June 25, 1942; 4:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 24]

MAXIMUM RENT REGULATION FOR HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

BALTIMORE DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Baltimore Defense Rental Area, as designated in the Designation and Rent Declaration issued by the Administrator on April 2, 1942 (§§ 1388.1001 to 1388.1005 inclusive), have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the Baltimore Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Baltimore Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.1011 to 1388.1024, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1011 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all housing accommodations within the Baltimore Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1001 to 1388.1005, inclusive) issued by the Administrator on April 2, 1942 (consisting of the Counties of Anne Arundell, Baltimore, Carroll, Cecil, Harford, and Howard, in the State of Maryland), except as provided in paragraph (b) of this section:

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who

is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms and other housing accommodations within hotels or rooming houses: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.1012 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.1013 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services, the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.1015 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.1015 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.1014 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.1015) shall be:

(a) For housing accommodations rented on April 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on April 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on April 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation, the first rent for such accommodations after April 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.1015 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after April 1, 1941 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change; *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.1015 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between February 1, 1941 and such effective date, the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.1015 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.1015 (c).

§ 1388.1015 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on April 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on April 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to April 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on April 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the

housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(5) There was in force on April 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941; or the housing accommodations were not rented on April 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to April 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.1014 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941; or the maximum rent for housing accommodations under paragraph (e) of § 1388.1014, for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.1016 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing ac-

commodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.1017 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.1018 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.1019 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.1020 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.1021 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1022 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.1023 *Definitions.* (a) When used in this Maximum Rent Regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apart-

ment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.1024 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.1011 to 1388.1024, inclusive) shall become effective July 1, 1942.

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5970; Filed, June 25, 1942; 4:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Designation of 8 Defense-Rental Areas and Rent Declaration Relating to Such Areas]

MONTGOMERY-PRINCE GEORGES, MD.; ALEXANDRIA-ARLINGTON, VA.

The title and item (4) listed in the table of § 1388.1051[1] of this designation and rent declaration and footnote (1) to the said table are amended and item (9) is added to the table in the said section, to read as set forth below:

Designation and Rent Declaration No. 22—Designation of 9 Defense-Rental Areas and Rent Declaration Relating to Such Areas

* * * * *

§ 1388.1051 *Designation.* * * *

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of:—
* *	*	* *
(4) Montgomery-Prince Georges.	Maryland	Counties of Montgomery and Prince Georges.
* *	*	* *
(9) Alexandria-Arlington.	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax.

[1] The words "defense-rental area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "San Luis Obispo defense-rental area", "Montgomery-Prince Georges defense-rental area."

This Amendment No. 1 (§ 1388.1051) shall become effective June 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5985; Filed, June 26, 1942; 10:49 a. m.]

[1] 7 F.R. 3192.

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 23]

DESIGNATION OF THE NEWPORT-WALNUT RIDGE DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities threaten to result in increases in the rents for housing accommodations in the area designated in § 1388.1311 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental area designated in § 1388.1311;

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1311 to 1388.1316, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1311 *Designation.* The following area is hereby designated by the Price Administrator as an area where defense activities threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Newport-Walnut Ridge Defense-Rental Area":

In the State of Arkansas, the Counties of Craighead, Independence, Jackson, and Lawrence.

§ 1388.1312 *Necessity.* The necessity for the stabilization or reduction of rents for defense-area housing accommodations in the defense-rental area designated in § 1388.1311 is as follows:

The designated area is the location of establishments of the armed forces of the United States. An increase in employment is about to take place in the area. Such an increase in employment reflecting the expansion of war activities threatens to result in increased demands for rental housing accommodations by persons residing in the area.

Defense activities in the designated area threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. As war activities continue to expand, the demand for housing accommodations will become more extensive, and rent increases and threatened rent increases will materialize unless prevented. Accordingly, it is necessary that rents for such housing accommodations in the designated area be reduced or stabilized.

§ 1388.1313 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the defense-rental area designated in Section 1388.1311 inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within the designated defense-rental area are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the Newport-Walnut Ridge Defense-Rental Area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1314 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within the defense-rental area designated in § 1388.1311 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1315 *Effective date.* This designation and rent declaration (§§ 1388.1311 to 1388.1315, inclusive) shall become effective June 26, 1942.

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5984; Filed, June 26, 1942; 10:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation[1]—Supplementary Regulation 10[2]]

SALES OR DELIVERIES OF RICE AND LARD TO PUERTO RICO AND VIRGIN ISLANDS

ORDER OF REVOCATION

A Statement of the Considerations involved in the issuance of this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

It is hereby ordered:

That § 1499.40 *Sales or deliveries of rice and lard to Puerto Rico and the Virgin Islands.* Supplementary Regulation No. 10 be hereby revoked effective June 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5965; Filed, June 25, 1942; 4:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation[3]—Supplementary Regulation 13]

TERRITORIES AND POSSESSIONS

COMMODITY SALES, DELIVERIES IN PUERTO RICO, VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this Supplementary Regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Supplementary Regulation No. 13 is hereby issued.

§ 1499.201 *Sales and deliveries of commodities in the territories of Puerto Rico and the Virgin Islands.* (a) The provisions of the General Maximum Price Regulation shall be applicable to the territories of Puerto Rico and the Virgin Islands except that the base period shall be the period from April 10, 1942 to May 10, 1942, inclusive, instead of the month of March, 1942, the base period prescribed in the General Maximum Price Regulation, and except that § 1499.18 and Temporary Procedural Regulation No. 2 shall not apply to Puerto Rico and the Virgin Islands. In applying the General Maximum Price Regulation to the territories of Puerto Rico and the Virgin Islands the period from April 10, 1942 to May 10, 1942 shall be substituted for the month of March, 1942, wherever the latter appears in the General Maximum Price Regulation.

(b) The statements provided for under § 1499.11 (b) and § 1499.13 (b) of the General Maximum Price Regulation shall be prepared or filed, as the case may be, on or before August 1, 1942, instead of the dates prescribed in the General Maximum Price Regulation. Such statements shall be prepared and filed in accordance with the terms of § 1499.11 (b) and § 1499.13 (b) except that such statements shall be prepared and filed for both base periods, separately, namely, March, 1942, and for the period from April 10, 1942 to May 10, 1942.

(c) The requirements in § 1499.13 (a) of the General Maximum Price Regulation for marking or posting cost-of-living commodities shall be applicable only to the maximum prices established in accordance with this General Maximum Price Regulation, except that such maximum prices shall be marked or posted on and after August 1, 1942, instead of on and after the date prescribed in the General Maximum Price Regulation.

§ 1499.202 *Applications for adjustment of maximum prices by sellers in the territories and possessions.* (a) Any seller in the territories and possessions who finds that the maximum price established for him under the provisions of the General Maximum Price Regulation is abnormally low:

(1) In relation to the maximum prices of the same or similar commodities or services established for other similar sellers; or

(2) Because of increased cost of importation resulting from increased rail and ocean freight and increased war risk insurance; or

(3) Because of the high cost of a commodity received by the seller on or before August 1, 1942; and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Procedural Regulation No. 7 issued by the Office of Price Administration.

§ 1499.203 *Effective dates.* (a) Supplementary Regulation No. 13 (§§1499.201, 1499.202 and 1499.203) to the General Maximum Price Regulation shall become effective June 26, 1942. (Pub. Law 421, 77th Cong.)

Issued this 25th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5966; Filed, June 25, 1942; 4:43 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Maximum Price Regulation 169]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Correction

The first sentence of § 1364.52 (a) (2) (ii) appearing on page 4654 of the issue for Tuesday, June 23, 1942, should read as follows:

(ii) In the event that the sales of fores and hinds of each grade at the prices computed in subparagraph (2) (i) above would yield a greater total sales realization when sold separately, than the total sales realization obtainable from the sales of the same fores and hinds of each grade in carcass form, at the seller's maximum price for a carcass of such grade, the seller shall adjust downward the prices of such fores and hinds to remove such excess.

In § 1364.62 (a) (4) (i) the words "fore-saddles" and "hind-saddles" are misspelled.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order No. 83-B]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

EXTENSION OF RADIOTELEGRAPH OPERATOR EXPERIENCE REQUIREMENT SUSPENSION

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 23rd day of June, 1942;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as qualified operators of stations on board cargo vessels of the United States which are subject to the provisions of Part II, Title III of the Communications Act of 1934, as amended; and

It appearing that the Commission by Orders No. 83 and 83-A suspended for the period July 9, 1941 to January 9, 1942, and January 9, 1942 to July 9, 1942, respectively, the requirements of six months' previous service contained in

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487.
[2] 7 F.R. 4231.
[3] 7 F.R. 3153, 3330.

section 353 (b) of said Act and paragraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations; and

It appearing further that a shortage of radiotelegraph operators possessing six months' previous service will continue to exist for a period of six months from July 9, 1942, and accordingly further suspension of the foregoing requirement is necessary;

It is ordered, That the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations be, and the same are hereby, suspended for a further period of six months beginning July 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5978; Filed, June 26, 1942; 10:31 a. m.]

PART 31—UNIFORM SYSTEM OF ACCOUNTS CLASS A AND CLASS B TELEPHONE COMPANIES

ADOPTION OF MISCELLANEOUS AMENDMENTS

The Commission on June 23, 1942, effective January 1, 1943, adopted the following amendments:

§ 31.150 *Capital stock.* Delete Note B and change designation of Note C to read, "Note B".

§ 31.175 *Contributions of telephone plant.* Delete paragraph (b) and the note, and substitute the following paragraphs:

(b) The credits to this account shall not be transferred to any other account without the approval of this Commission.

(c) The records supporting the entries to this account shall be so kept that the company can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, and the amounts of donations from (1) states, (2) municipalities, (3) customers, and (4) others.

§ 31.323 *Miscellaneous income charges.* Delete the third item "Membership fees and dues in associations, other than those of the company itself in associations of telephone companies and of employees in professional organizations." from the item list.

§ 31.661 *Executive department.*
§ 31.662 *Accounting department.*
§ 31.663 *Treasury department.*
§ 31.664 *Law department.*
§ 31.665 *Other general office salaries and expenses.*

In the above-named sections under *"Expenses and supplies"*, immediately following the item "Meals, including payments therefor on account of overtime work." insert a new item as follows:

Membership fees and dues of officers and employees in trade, technical, and professional associations.

§ 31.675 *Other expenses.* Insert as the second item in the item list:

Association dues.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 20, 24 Stat. 386; 47 U.S.C. 20. Rules promulgated thereunder continued in effect by sec. 604, 48 Stat. 1103, 47 U.S.C. 604.)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5980; Filed, June 26, 1942; 10:31 a. m.]

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

CONTRIBUTIONS OF TELEPHONE PLANT; DEDUCTIONS FROM INCOME

The Commission on June 23, 1942, effective January 1, 1943, adopted the following amendments:

§ 33.2800 *Contributions of telephone plant.* Delete paragraph (b) and the note, and substitute the following paragraphs:

(b) The credits to this account shall not be transferred to any other account without the approval of the Commission.

(c) The records supporting the entries to this account shall be so kept that the company can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made and the amounts of donations from (1) states, (2) municipalities, (3) customers, and (4) others.

§ 33.7100 *Other miscellaneous deductions from income.* This account shall include all items not applicable to telephone operations and not provided for elsewhere, such as contributions for charitable or social- or community-welfare purposes, and uncollectible amounts previously credited to accounts 6000, 6100, and 6900.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 20, 24 Stat. 386; 47 U.S.C. 20, Rules promulgated thereunder continued in effect by sec. 604, 48 Stat. 1103; 47 U.S.C. 604)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5979; Filed, June 26, 1942; 10:31 a. m.]

[Order No. 96-B]

REPORTS BY MANUFACTURERS OF AND DEALERS IN DIATHERMY APPARATUS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1942;

The Commission having under consideration Order No. 96,[1] entitled *Registration of Diathermy Apparatus,* as it applies to manufacturers and dealers of apparatus:

Now, therefore, pursuant to the authority conferred upon it by Order No. 4,[2] dated April 16, 1942, of the Defense Communications Board:

It is ordered:

1. Order No. 96 shall have no application to bona fide manufacturers of or dealers in diathermy apparatus, anything in said Order No. 96 to the contrary notwithstanding.

2. Every such manufacturer and dealer shall, on the 5th day of each and every month, report to the Commission every unit of diathermy apparatus in his possession at the close of business on the last day of the preceding calendar month, and every unit of diathermy apparatus possession of which was transferred during the preceding calendar month to any other dealer or manufacturer, and shall furnish the serial number and location of each unit of diathermy apparatus covered in such report together with such other and further information as the Commission may require.

3. Whenever any such manufacturer or dealer shall transfer possession of a unit of diathermy apparatus to any person or organization other than a manufacturer of or dealer in diathermy apparatus, or if any such unit of diathermy apparatus is lost, stolen, destroyed, or otherwise removed from the possession of the manufacturer or dealer, he shall give notice of such transfer, loss, destruction, or theft within five days after its occurrence, specifying the serial number of the unit involved and, in transfer cases, the name and address of the transferee.

4. Every manufacturer of diathermy apparatus shall stamp his name, a serial number and the radio frequency range or ranges on each unit of such apparatus in his possession.

5. All reports and notices required by this order shall be made on forms furnished by the Commission.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-5977; Filed, June 26, 1942; 10:31 a. m.]

[1] 7 F.R. 3762, 4460.

[2] 7 F.R. 2303.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-215]

JACK SMITH

CODE MEMBERSHIP CANCELLED

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendations of Examiner and revoking and cancelling code membership.

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on February 10, 1942, by Bituminous Coal Producers Board for District No. 1 alleging that Jack Smith, a code member in District No. 1 has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel or revoke the code membership of Jack Smith or in its discretion direct the code member to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Altoona, Pennsylvania, on March 30,, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the matter, dated May 27, 1942, in which it is recommended that an order be entered revoking and cancelling the code membership of Jack Smith for violating the Act and the Code by selling during the period from June 21 to August 29, 1941, inclusive, 471.35 tons of Size Group No. 3 coal at a price which is below the effective minimum price established therefor in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments and providing that prior to any reinstatement to code membership, this code member shall be required to pay to the United States a tax in the sum of $395.23 as provided for by section 5 (c) of the Act.

An opportunity having been afforded to all parties to file exceptions thereon and supporting briefs and no such exceptions or briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the code member, Jack Smith be and it hereby is revoked and cancelled.

It is further ordered, That prior to any reinstatement of the code member Jack Smith to membership in the Code this code member shall pay to the United States a tax in the sum of $395.23 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5996; Filed, June 26, 1942; 11:00 a. m.]

[Docket No. B-33]

T. E. HARRIS

CEASE AND DESIST ORDER, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner and cease and desist order.

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on September 15, 1941 by Bituminous Coal Producers Board for District No. 8 alleging that T. E. Harris, a code member in District No. 8, has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel or revoke the code membership of code member or in its discretion direct the code member to cease and desist from violations of the Code or rules and regulations thereunder;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in London, Kentucky, on December 8, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated May 6, 1942, in which it was found that code member wilfully violated the provisions of section 4 II (e) of the Act, which prohibits the sale of coal below effective minimum prices, by selling and delivering on or about April 23, 1941 to one Samson Hart, 35 tons of high volatile slack coal either 2" and under, Size Group 7, or ¾" and under slack, Size Group 8, produced by him at his mine, Mine Index No. 1850, at a price of 25 cents per ton f. o. b. the mine and that under the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments the minimum price for such coal was either $1.45 per ton or $1.40 per ton respectively f. o. b. the mine; and

The Examiner having recommended therein that an order be entered directing the code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, the Code and the rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no exceptions and supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the code member, T. E. Harris, his representatives, agents, servants, employees, attorneys and successors or assigns and all persons acting or claiming to act in his behalf or interest cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum prices therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, the Bituminous Coal Code and the rules and regulations thereunder;

It is further ordered, That the Division may upon failure of the code member herein to comply with this order forthwith apply to the Circuit Court of Appeals within any circuit where the code member carries on business for the enforcement thereof or take any other appropriate action.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5998; Filed, June 26, 1942; 11:00 a. m.]

[Docket No. A-1325]

BITUMINOUS COAL CONSUMERS' COUNSEL

MEMORANDUM OPINION AND ORDER DENYING MOTION TO MODIFY TEMPORARY RELIEF

In the matter of the petition of Bituminous Coal Consumers' Counsel for an order establishing minimum prices for the sale of coal shipped by river from the mines of Subdistrict 4 of District 13 and for immediate temporary relief on such shipments to the United States for use in the arsenal near Huntsville, Alabama, in Market Area 118.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, on February 17, 1942, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). Speaking generally, the petition proposed and sought the establishment of effective minimum prices for coal moving from Subdistrict 4 of District 13 (Tennessee-Georgia truck mines) via the Tennessee River to the Huntsville Arsenal and the Red Stone Ordnance Plant in Market Area 118. The petitioner sought the same f. o. b. mine prices for this new movement as are now applicable for shipment by truck from Subdistrict 4 of District 13.

By Memorandum Opinion and Order Granting Temporary Relief, dated May 11, 1942, the Division established temporary prices for the coal produced in Subdistrict 4 of District 13 for shipment by barge on the Tennessee River to the Huntsville Arsenal and the Red Stone Ordnance Plant in Market Area 118. In order to equalize the delivered minimum price of coals moving by water to the

Huntsville Arsenal and the Red Stone Ordnance Plant with the base coals moving by rail to the same destination, a minimum price of $2.65 f. o. b. the mine was fixed. Subject to the intervening trucking, loading, and barge transportation charges, the f. o. b. mine price established by the temporary order permitted the delivery of mine run coal at the price at which the base rail coals from Tennessee deliver into Market Area 118.

Consumers' Counsel now moves that the temporary relief granted herein by the Order of May 11, 1942, be modified by changing the f. o. b. mine price therein specified from $2.65 per ton to $2.35 or $2.20 per ton. It was contended that under the price established in the temporary order producers in District 8 and in Subdistricts 1 and 3 of District 13 may ship slack coal to the Huntsville Arsenal and the Red Stone Ordnance Plant at a lower delivered price than the mines of Subdistrict 4 of District 13 can ship mine run coal; that the coordination for rail coals for movement into Market Area 118, as established in General Docket No. 15, is not applicable to the present situation because the Huntsville Arsenal and the Red Stone Ordnance Plant are new establishments; that on the northern rivers, consumers who are located on the river bank and take their coal directly from a barge without intervening haul by truck or rail carrier are permitted to purchase coal generally at the same f. o. b. mine price as purchasers securing the same coal furnished by other forms of transportation, despite unequal delivered price relationships; and that the f. o. b. mine price fixed in the temporary order herein is considerably higher than the price fixed in the temporary order in Docket No. A-1238, establishing minimum prices for coal produced in Subdistrict 4 of District 13 for shipment to the Wilson Dam Steam Plant of the Tennessee Valley Authority in Market Area 117.

The contentions of all parties to this proceeding were given careful consideration in the order granting temporary relief. Considerable evidence was adduced in the record to the effect that the contemplated movement was new; that there were many unknown factors involved in this proceeding; and that careful consideration should be given to the type of relief granted. Consequently, the undersigned felt that the initial movement should be made at minimum prices which approximated the delivered base rail minimum prices from Tennessee into Huntsville, the typical destination in Market Area 118.[1]

The prices presently established in this docket for shipment to Huntsville via the Tennessee River are temporary. The matter is pending before me for final relief; but the time for filing briefs has not yet expired. As soon as briefs are filed I expect promptly to give consideration to the matter. What prices will ultimately be established cannot now be known. But pending a decision on final relief I do not believe that reason has been shown why the temporary relief should be modified. Accordingly the Motion for Modification of Temporary Relief should be denied.

And it is so ordered.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5995; Filed, June 26, 1942; 11:01 a. m.]

[1] It is true that the minimum price f. o. b. the mine established for the movement of coal from Subdistrict 4 to the Tennessee Valley Authority in Market Area 117 is considerably lower. However, that price was likewise established on the basis of an equalized delivered minimum.

[Docket No. B-110]

FRANCIS E. BURK & SONS AND HOWARD WILLIAMS

CODE MEMBERSHIP CANCELLED; ETC.

In the matter of Francis E. Burk & Sons and Howard Williams, individually and as copartners doing business under the name and style of Francis E. Burk & Sons and Howard Williams, code members.

Order approving and adopting proposed findings of fact, proposed conclusions of law and recommendation of the Examiner and revoking and cancelling code membership.

A complaint pursuant to sections 4 II (j) and 5 (b) having been filed with the Bituminous Coal Division on October 16, 1942, by Bituminous Coal Producers Board for District No. 1 alleging that Francis E. Burk & Sons and Howard Williams, individually and as copartners doing business under the name and style of Francis E. Burk & Sons and Howard Williams, a code member in District No. 1 had violated the provisions of the Bituminous Coal Code and rules and regulations thereunder and praying that the Division either cancel and revoke the code membership of said Francis E. Burk & Sons and Howard Williams, doing business under the name and style of Francis E. Burk & Sons and Howard Williams or in its discretion direct them to cease and desist from violations of the Code and rules and regulations thereunder.

Pursuant to an Order of the Acting Director and after due notice to interested persons a hearing having been held before Joseph D. Dermody, a duly designated Examiner of the Division at a hearing room thereof in Altoona, Pennsylvania, on January 9, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter dated May 7, 1942, in which it was found that Francis E. Burk, William Burk, Charles Burk, and Howard Williams, the code members herein, individually and as copartners doing business under the name and style of Francis E. Burk & Sons and Howard Williams, code members, operating the Burk and Williams Mine, Mine Index No. 2298, located in Somerset County, Pennsylvania, wilfully violated section 4 II (e) of the Act and the Code and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments by selling to various purchasers during the period between October 1 and December 31, 1940, both dates inclusive, 537.32 tons of mine run and 168.24 tons of slack coal at prices below the effective minimum prices established therefor in said schedule; and

The Examiner having recommended therein that an order be entered revoking and cancelling the code membership of Francis E. Burk, William Burk, Charles Burk, and Howard Williams, individually and as copartners doing business under the name and style of Francis E. Burk & Sons and Howard Williams and providing that prior to any reinstatement to membership in the Code there shall be paid to the United States a tax in the amount of $660.20 as provided in section 5 (c) of the Act;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the code members Francis E. Burk, William Burk, Charles Burk, and Howard Williams, individually and as copartners doing business under the name and style of Francis E. Burk & Sons and Howard Williams be and it hereby is revoked and cancelled;

It is further ordered, That prior to any reinstatement of the aforesaid code members to membership in the Code there shall be paid to the United States a tax in the sum of $660.20 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5997; Filed, June 26, 1942; 11:01 a. m.]

[Docket No. B-217]

GODIN AND JOHNSON

CEASE AND DESIST ORDER

In the matter of Louis Godin and Charles Johnson, individually, and as co-partners doing business as Godin and Johnson, code member.

Order approving and adopting proposed findings of fact, proposed conclusions of law and recommendation of the Examiner, and cease and desist order.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on February 10, 1942, by District Board No. 1, alleging that code member had wilfully violated

the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke the code membership, or, at its discretion, direct the code member to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held on March 23, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof at Altoona, Pennsylvania;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated May 23, 1942, finding that code member violated sections 4 II (e) and 4 II (g) of the Act by selling approximately 58.45 tons of coal, produced at his Atlantic No. 3 Mine, Mine Index No. 2319, located in Clearfield County, Pennsylvania, in District No. 1, at a price of $2.25 per ton f. o. b. the consumer's coal bin, whereas the effective minimum price of that coal was $2.25 f. o. b. the mine, or by delivering said coal to consumer without charging transportation costs therefor, and recommending that an order be entered directing code member to cease and desist from violations of the Act, the Code, and the rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, adopted as the findings of fact and conclusions of law of the undersigned; and

It is further ordered, That the code member, Louis Godin and Charles Johnson, individually and as co-partners doing business as Godin and Johnson, its representatives, agents, servants, employees, attorneys, heirs, administrators, successors and assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the effective minimum price therefor or from transporting coal to consumer or retailer without charging the transportation costs therefor, or from otherwise violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5999; Filed, June 26, 1942; 11:01 a. m.]

[Docket No. B-277]

MARKET STREET COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, Code member.

A complaint dated June 9, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 15, 1942, by Bituminous Coal Producers Board for District No. 13, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 29, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the said J. H. Cox, whose address is 112½ East Seventh Street, Chattanooga, Tennessee, and R. L. Stulce, whose address is 2321 Rossville Boulevard, Chattanooga, Tennessee, individually and as partners doing business under the name and style of Market Street Coal Company, code member, whose code membership became effective as of February 27, 1940, and who operate the Market Street Coal Company Mine, Mine Index No. 826, located in Sequatchie County, Tennessee, in District No. 13:

(1) Have wilfully violated the Order of the Division dated October 9, 1940, entered in General Docket No. 19 by selling and delivering by rail, subsequent to September 30, 1940, coal produced at the aforesaid mine, when effective minimum rail prices, either temporary or final, had not been established for such coal, including sales and deliveries, for the period October 31, 1940, to May 28, 1941, both dates inclusive, and on the date of September 27, 1941, of approximately 2,299.02 net tons of 2" x 0 and ⅜" x 0 coal produced as aforesaid, to Lookout Oil & Refining Company, 4608 Kirkland Avenue, Chattanooga, Tennessee, purchaser, at $2.20 to $2.55 per net ton, delivered in railroad cars to said purchaser;

(2) Have wilfully violated Order of the Division No. 307 dated December 11, 1940, and Order of the Division No. 312, dated February 24, 1941, by failing to comply with Order No. 307 during the period from January 1, 1941, to March 31, 1941, both dates inclusive, and Order No. 312, during the period April 1 to July 2, 1941, both dates inclusive, in that said code member failed to set forth on the records of all sales and shipments of coal by truck or wagon from the aforesaid mine the sizes of the coal shipped; and

(3) Have wilfully violated section 4 II (e) and (g) of the Act and Part II

(e) and (g) of the Code, by selling and delivering, subsequent to September 30, 1940, below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 13 For Truck Shipments as amended by Supplement No. 2, run of mine coal produced at the aforesaid mine from which the fines had been removed, including the sales and deliveries, during the period January 11, 1941, to July 2, 1941, both dates inclusive, of 131.58 net tons of said coal to J. E. Moreland, 105 South Germantown Road, Chattanooga, Tennessee, purchaser, at $2.85 per net ton delivered, 72.63 net tons of said coal to Sol Dubrow, 407 Cameron Street, Chattanooga, Tennessee, purchaser, at $2.85 per net ton delivered and 104.83 net tons of said coal to Pavlow & Company, 3000 Williams Street, Chattanooga, Tennessee, purchaser, at $2.80 per net ton delivered, all of such coal being delivered by truck at distances of from 21 to 24 miles from the said mine to the respective addresses of said purchasers, whereas such coal was classified as Size Group No. 3 and priced at $3.05 f. o. b. said mine in said schedule as amended.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5989; Filed, June 26, 1942; 11:01 a. m.]

[Docket No. A-1459; A-1459, Part II]

DISTRICT BOARD 17

RELIEF GRANTED, ETC.

In the matter of the petition of District Board No. 17 for establishment and revision of price classifications and minimum prices for certain mines in District No. 17.

In the matter of the petition of District Board No. 17 for establishment and revision of price classifications and minimum prices for the I H I No. 2 mine and the North Canyon Mine.

Memorandum opinion and order severing docket No. A-1459 Part II from docket No. A-1459, granting certain temporary relief in docket No. A-1459, part II and notice of and order for hearing in docket No. A-1459, part II.

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests an order be entered establishing temporary and permanent price classifications and minimum prices for the coals, for all shipments, of certain mines in District No. 17 and revising the effective minimum prices for the coals, for truck shipment, of the North Canyon Mine (Mine Index No. 266) in that district operated by code member Willis E. Davis.

No petitions of intervention have been filed in the above-entitled matters.

As indicated in a separate order in Docket No. A-1459, which established temporary and conditionally provided for permanent price classifications and minimum prices for the coals of certain mines in District No. 17 as requested by the petitioner, a reasonable showing of necessity was made for the granting of that relief. Such a showing was not made, however, with respect to the establishment of permanent price classifications and minimum prices for the coals produced at the I H I No. 2 Mine (Mine Index No. 513) in that district operated by code member Bill Haas nor with respect to the requested revision in the effective minimum prices for the coals of the North Canyon Mine.

The original petition makes a sufficient showing to warrant the granting, temporarily, of the relief requested with respect to the coals of the I H I No. 2 Mine pending final determination of this matter, but the petition fails to set forth facts sufficient to warrant, in advance of a hearing, the establishment of permanent price classifications for such coals or the requested revision in the effective minimum prices for the coals of the North Canyon Mine.

Now, therefore, it is ordered, That the portion of Docket A-1459 relating to the I H I No. 2 Mine (Mine Index No. 513) operated by code member Bill Haas and to the North Canyon Mine (Mine Index No. 266) operated by code member Willis E. Davis be, and it hereby is, severed from the remainder of Docket No. A-1459 and designated as Docket No. A-1459 Part II.

It is further ordered, That a hearing in Docket No. A-1459 Part II under the applicable provisions of said Act and the rules of the Division be held on July 22, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 17, 1942.

All persons are hereby notified that the hearing in Docket No. A-1459 Part II and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the petition of District Board No. 17 requesting (1) increases in the effective minimum prices for the coals, for truck shipment, produced at the North Canyon Mine (Mine Index No. 266), operated by code member Willis E. Davis in Subdistrict 18 in District No. 17, as follows:

Size groups	2	3	4	5	9	10	13	17
From: Prices	440	425	425	400	375	225	140	300
To: Prices	490	475	475	450	425	275	185	325

and (2) the establishment of permanent price classifications and minimum prices for the coals, for shipment by truck, of the I H I No. 2 Mine (Mine Index No. 513) operated by code member Bill Haas in Subdistrict 18 in District No. 17, as follows:

Size groups	2	3	4	5	9	10	13	17
Prices (in cents per net ton)	490	475	475	450	425	275	185	325

It is further ordered, That temporary relief, pending final disposition of Docket No. A-1459 Part II, is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 17 for All Shipments is supplemented to include, for the coals, for shipment by truck, produced at the I H I No. 2 Mine (Mine Index No. 513) operated by code member Bill Haas in Garfield County, Colorado, in Subdistrict 18 in District No. 17, price classifications and minimum prices in cents per net ton f. o. b. transportation facilities of the mine at its tipple located about 2½ miles distant from the mine mouth and adjacent to the county road, as follows:

Size groups	2	3	4	5	9	10	13	17
Prices	490	475	475	450	425	275	185	325

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5994; Filed, June 26, 1942; 11:02 a. m.]

[Docket Nos. B-189, B-190]

WHEELING VALLEY COAL CORPORATION AND COVE HILL COAL COMPANY

ORDER POSTPONING HEARINGS

The above-entitled matters having been heretofore scheduled for hearing on June 29, 1942, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division at Court Room No. 4, New Federal Building, Pittsburgh, Pennsylvania; and

It appearing to the Acting Director that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and they are hereby postponed from June 29, 1942, to a date and at a place to be hereafter designated by an appropriate order.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5990; Filed, June 26, 1942; 11:02 a. m.]

[Docket No. B-245]

DOWLING COAL COMPANY

ORDER POSTPONING HEARING

In the matter of Lawrence H. Dowling, doing business as Dowling Coal Company, registered distributor, Registration No. 2472.

The above-entitled matter having been heretofore scheduled for hearing on June 30, 1942, at Washington, D. C., pursuant to Notice of and Order for Hearing entered herein on May 29, 1942; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is postponed from June 30, 1942, at 10 a. m. to a time and place to be hereafter designated by an appropriate order.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5991; Filed, June 26, 1942; 11:02 a. m.]

[Docket No. B-279]

SWINDLE COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 9, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 10, 1942, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by F. L. Swindle, doing business under the name and style of Swindle Coal Company, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Proceedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the Statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named Code member as follows:

That said code member whose address is 612 E. Tennessee Street, Florence, Alabama, whose code membership became effective as of July 29, 1940, and who operates the Swindle Mine, Mine Index No. 910, located in Winston County, Alabama, in District No. 13:

(1) Wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering by rail subsequent to December 13, 1940 coal produced at the aforesaid mine, at delivered prices which were below the applicable minimum f. o. b. mine prices provided in the Temporary Supplement C-R annexed to and made a part of the Order dated December 13, 1940, Granting Temporary Relief in Docket No. A-438, to which there should have been added transportation, handling, or other incidental charges from transportation facilities at said mine to the points from which all such charges were assumed and directly paid by purchasers including 1,398.10 net tons of 1½" x 0 coal (Size Group No. 23) sold and delivered by rail to the Gardner-Warring Co., Florence, Alabama, during the period June 18, 1941 to December 24, 1941, both dates inclusive, at $3.50 per net ton, whereas such coal was priced at $2.50 per net ton f. o. b. said mine for industrial consumption at Florence, Alabama, Market Area No. 117, as provided in the above-mentioned Order, to which there should have been added the railroad transportation charges of $1.15 per net ton from said mine to the plant of said purchaser at Florence, Alabama, plus 15¢ per net ton paid by said Code member for unloading such coal at destination.

(2) Wilfully violated Rule 1 (J) section VII of the Marketing Rules and Regulations, section 4 Part II (i) (3) of the Act, Part II (i) (3) of the Code and Rule 3 section XIII of the Marketing Rules and Regulations, by prepaying the rail transportation charges in the amount of $1,607.81 for the transactions in coal referred to in Paragraph (1) above with the intent to or having the effect of granting a discriminatory credit allowance.

Dated June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5992; Filed, June 26, 1942; 11:02 a. m.]

[Docket No. B-112]

SAMUEL C. HAER AND FRED B. HAER

ORDER RESCHEDULING HEARING

In the matter of Samuel C. Haer and Fred B. Haer, individually and as copartners doing business under the name and style of Samuel C. Haer and Fred B. Haer, code member.

The above-entitled matter having been scheduled for hearing on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania, by Order of the Acting Director dated December 3, 1941; and

The hearing in said matter having been continued by the presiding examiner to January 15, 1942, and having been further continued by said examiner

to February 17, 1942, at the place previously designated; and

The said hearing having been further continued by Order of the Acting Director dated February 11, 1942, to a date and place to be thereafter designated by appropriate order; and

It appearing to the Acting Director that date and place of said hearing should now be designated:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on July 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody be and he hereby is designated to preside at said hearing, and

It is further ordered, That the Notice of and Order for Hearing, dated December 3, 1941, in the above-entitled matter shall in all other respects remain in full force and effect.

Dated: June 25, 1942,

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5993; Filed, June 26, 1942 11:03 a. m.]

General Land Office.

[Public Land Order No. 2]

ARIZONA

WITHDRAWAL OF LAND FOR USE IN CONNECTION WITH THE SAN CARLOS INDIAN IRRIGATION PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, the following described land is hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the San Carlos Indian Irrigation Project.

ARIZONA

T. 4 S., R. 16 E., G. & S. R. M.
Sec. 21, a portion described as follows:

Beginning at the southwest corner of Section 21, T. 4 S., R. 16 E., G. & S. R. B. & M., thence north no degrees, 2 minutes west, 30.24 feet to north line of Wedge Claim, thence north 61 degrees, 28 minutes east, 356.98 feet with present north line of Wedge Claim, thence south 89 degrees, 54 minutes east, 389.26 feet, thence south 28 degrees, 40 minutes east 229.65 feet with present east line of Wedge Claim, thence north 89 degrees, 54 minutes west, 813.03 feet to the place of beginning, containing 2.9 acres more or less.

E. K. BURLEW,
Acting Secretary of the Interior.

JUNE 22, 1942.

[F. R. Doc. 42-5976; Filed, June 26, 1942; 10:08 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

MERCHANTS SERVICE BUREAU, GRAND RAPIDS, MICH.

NOTICE OF GRANTING OF EXCEPTION TO RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted to the Merchants Service Bureau, Grand Rapids, Michigan, relief from the necessity of preserving certain order and billing records, otherwise known as "register tickets," for two years as required by § 516.15, paragraph (b), of the Record Keeping Regulations. Subsequent to this date the Merchants Service Bureau is required to preserve its "register tickets" for a period of only six months.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 24th day of June 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-6001; Filed, June 26, 1942; 11:11 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 715 and 738]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of temporary foreign air transportation between the United States and Europe by Pan American Airways, Inc.

In the matter of the petition for removal of certain restrictions relating to air transportation between the United States and Europe by Pan American Airways, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing now assigned to be held on July 1, 1942, is hereby postponed to July 22, 1942, 10 a. m. (eastern war time) in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., June 25, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-6002; Filed; June 26, 1942; 11:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4231]

ISAAC S. DICKLER

ORDER APPROVING STIPULATED AMENDMENT OF COMPLAINT

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1942.

Whereas in connection with respondent's petition to file substitute answer in which he admitted all the material allegations of fact in the complaint, counsel for respondent entered into a stipulation with counsel for the Commission under date of May 27, 1942, providing that the second paragraph of Paragraph One of the complaint might be considered to be amended as of the date of issuance of said complaint to read:

On such orders respondent generally received from the sellers a commission of 5 percent. When retailers whom this respondent has represented subsequently place orders directly with fur garment manufacturers, the respondent seeks to, and on occasion does, secure commissions from the sellers on such orders.

and the Commission being fully advised in the premises,

Now, therefore, it is ordered, That the amendment stipulated and agreed to between counsel be accepted and approved and the complaint herein be considered as amended accordingly.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6000; Filed, June 26, 1942; 11:05 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3142-4]

THE CAROLINA PACKING COMPANY

PETITION FOR ADJUSTMENT GRANTED

Order No. 1 under Maximum Price Regulation No. 148[1]—Dressed Hogs and Wholesale Pork Cuts.

On June 1, 1942, the Carolina Packing Company, Orangeburg, South Carolina, filed a petition for amendment redocketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the

[1] 7 F.R. 3821, 4342.

Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) The Carolina Packing Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, the kinds of wholesale pork cuts set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, such kinds of wholesale pork cuts at such prices from the Carolina Packing Co.

	Cents per pound
(b) Pork loins fresh or frozen	29½
Regular shoulders fresh or frozen	24½
Skinned shoulders fresh or frozen	27
Smoked shoulders	27
Boston butts fresh or frozen	29½
Boneless butts fresh or frozen	32½

(c) The permission granted to the Carolina Packing Company in this Order No. 1 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1, to March 31, inclusive, of any such year, the maximum price at which the Carolina Packing Company may sell or deliver, or agree, offer, solicit, or attempt to sell or deliver, and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from the Carolina Packing Company each pork cut specified shall be a price 1¾¢ lower than the maximum price provided for such pork cut in paragraph (b).

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

This Order No. 1 shall become effective June 30, 1942.

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5982; Filed, June 26, 1942; 10:50 a. m.]

COLORADO FUEL AND IRON CORPORATION

PARTIAL EXCEPTION GRANTED

Order No. 14 under Revised Price Schedule No. 6[1]—Iron and Steel Products.

On June 3, 1942, the Colorado Fuel and Iron Corporation, Denver, Colorado, filed a petition for an exception to Revised Price Schedule No. 6 as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) The Colorado Fuel and Iron Corporation may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, iron and steel products as set forth in paragraph (b) at prices not in excess of those stated therein, for sale to the Lend-Lease Administration.

(b) The maximum price which may be charged by the Colorado Fuel and Iron Corporation on sales of iron and steel products for the account of the Lend-Lease Administration, when such sales are made to the Eastern Seaboard, shall be maximum Chicago basing point base prices as otherwise established in Revised Price Schedule No. 6, f. o. b. Minnequa, Colorado.

(c) The permission granted to the Colorado Fuel and Iron Corporation in this Order No. 14 is subject to the condition that a monthly statement be filed with the Office of Price Administration setting forth the quantity and a brief description of all shipments made pursuant to the terms of this order.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 14 may be revoked or amended by the Price Administrator at any time.

(f) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

This Order No. 14 shall become effective June 30, 1942.

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5981; Filed, June 26, 1942; 10:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-529, 70-530, 37-28]

DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORP., ET AL

ORDER DENYING INTERVENTION, PERMITTING LIMITED PARTICIPATION, AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 24th day of June, A. D. 1942.

In the Matters of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company; Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation; and Atlantic Utility Service Corporation.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and Associated Utilities Corporation, a subsidiary of the said Trustees, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935 regarding the dissolution and liquidation of Associated Utilities Corporation, and the acquisition by the said Trustees of the assets of Associated Utilities Corporation and the assumption by the said Trustees of all the liabilities of Associated Utilities Corporation as shown by its books at the time of the transfer of its assets to the said Trustees (File No. 70-530); and the said Trustees and NY PA NJ Utilities Company having filed declarations and applications pursuant to the said Act regarding the contribution by the said Trustees of certain securities to NY PA NJ Utilities Company (File No. 70-529); and

The Commission having by order dated April 25, 1942 consolidated the said proceedings for hearing and having ordered that a hearing be held thereon commencing on May 19, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; said hearing having been duly convened pursuant to said order; certain evidence having been received at said hearing; and said hearing having been adjourned until June 9, 1942 at the same time and place designated in the said order of April 25, 1942; and the Commission by order dated June 8, 1942 having postponed the said adjourned hearing to June 30, 1942 at the same time and place heretofore designated; and

Atlantic Utility Service Corporation having filed with the Commission an application for approval as a mutual service company, pursuant to the Public Utility Holding Company Act of 1935, and particularly section 13 thereof and the rules promulgated thereunder (File No. 37-28); and certain hearings having been held with respect to said application, the last of said hearings having been held on May 11, 1942, and said hearings having been continued subject to the call of the trial examiner; and

It appearing to the Commission that the proceedings therein indicate that there may exist certain claims in substantial amounts in favor of Atlantic Utility Service Corporation against Associated Utilities Corporation and that such possible claims are between affiliates; and

It further appearing to the Commission that all of the foregoing matters are related and involve common questions of law and fact with respect to said possible claims, and that evidence offered with respect to said possible claims in each of the matters may have a bearing on the others and that substantial savings in time, effort and expense, and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof will result if the hearings in said matters are consolidated so that they may be heard as one matter and that evidence adduced in each matter may stand as evidence in the others for all purposes; and

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[1] 7 F.R. 1215, 1836, 2132, 2153, 2298, 2299, 3330.

[2] 7 F.R. 971.

[2] 7 F.R. 971.

New England Gas and Electric Association, a registered holding company, having filed a petition to intervene in said proceeding; and

The Commission having considered the said petition of New England Gas and Electric Association and the affidavit in support thereof;

It is ordered, That the said proceedings with respect to the applications-declarations filed by Associated Utilities Corporation, Denis J. Driscoll and Willard L. Thorp as Trustees of Associated Gas and Electric Corporation, and N[illegible]PA NJ Utilities Company (File Nos. 70–529 and 70–530) and the said application filed by Atlantic Utility Service Corporation (File No. 37–28) be and hereby are consolidated for hearing and that said hearing be convened on June 30, 1942 at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., before William W. Swift, the trial examiner heretofore designated.

It is further ordered, That jurisdiction be and hereby is reserved, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on the other matters.

It is further ordered, That the said petition of New England Gas and Electric Association for leave to intervene be, and the same hereby is, denied, without prejudice, however, to the right of the said New England Gas and Electric Association to renew its petition for leave to intervene and to be made a party to these proceedings at a future date;

It is further ordered, That the said New England Gas and Electric Association shall be entitled to participate in said proceedings to the extent of cross examining witnesses, introducing evidence, filing of requested findings and briefs, and the making of oral argument.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–5971; Filed, June 26, 1942; 10:03 a. m.]

[File No. 70–525]

THE EASTERN SHORE PUBLIC SERVICE COMPANY OF MD., THE DELMARVA POWER COMPANY, AND EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 24th day of June, A. D. 1942.

Eastern Shore Public Service Company (Del.), a registered holding company, and The Eastern Shore Public Service Company of Maryland, and The Delmarva Power Company, subsidiary companies thereof, having filed applications and declarations pursuant to sections 6 (b), 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 of the General Rules and Regulations with respect to the following transactions:

The Eastern Shore Public Service Company of Maryland proposes to issue $1,750,000 aggregate principal amount of First Mortgage Bonds, 4% Series, due 1969, and 4,500 shares of common stock, par value, $100 per share. Said bonds and stock will be issued to Eastern Shore Public Service Company (Del.) in exchange for all of the outstanding securities of Delmarva Power Company consisting of $1,750,000 principal amount of First Mortgage Bonds, 4% Series, due 1969 and 18,000 shares of common stock, stated value $25 per share. Eastern Shore Public Service Company (Del.) will deposit and pledge under its indenture to The Pennsylvania Company for Insurance on Lives and Granting Annuities, the bonds and stocks acquired from The Eastern Shore Public Service Company of Maryland, in lieu of the bonds and stocks of Delmarva Power Company. The Eastern Shore Public Service Company of Maryland will return to The Delmarva Power Company for cancellation its outstanding securities and will receive in exchange therefor all of the assets of The Delmarva Power Company (subject to certain adjustments), and will assume the remaining liabilities of The Delmarva Power Company. The Delmarva Power Company will then be merged with The Eastern Shore Public Service Company of Maryland.

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That the said declarations, pursuant to section 12 of the said Act and Rules U-42 and U-43 of the General Rules and Regulations, be and hereby are permitted to become effective, and that the said applications, pursuant to sections 6 (b) and 10 of the said Act, be and hereby are granted, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–5972; Filed, June 26, 1942; 10:03 a. m.]

[File No. 1–1459]

TONOPAH BELMONT DEVELOPMENT COMPANY
10¢ PAR COMMON STOCK

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June, A. D. 1942.

The Tonopah Belmont Development Co., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to withdraw its 10¢ Par Common Stock from listing and registration on the Philadelphia Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 6, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–5973; Filed, June 26, 1942; 10:03 a. m.]

[File No. 1–3043]

VARDAMAN SHOE COMPANY, $1 PAR COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of June, A. D. 1942.

The St. Louis Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Common Stock of the Vardaman Shoe Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 6, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–5974; Filed, June 26, 1942; 10:04 a. m.]

[File No. 70–492]

CRESCENT PUBLIC SERVICE COMPANY, G. M. DUNNE, AND D. E. DUNNE, JR.

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of June, A. D. 1942.

Crescent Public Service Company, a registered holding company, having filed declarations and amendments thereto under the applicable provisions of the Public Utility Holding Company Act of 1935 regarding the sale to G. M. Dunne

and D. E. Dunne, Jr., of 248 shares of Common Stock of The Caney Electric Company and the latter named company's 7% unsecured promissory note, in the present principal amount of $30,000, dated October 1, 1934, payable on demand, and the use of the proceeds from the sale in the amount of $80,500 for the acquisition and retirement at current market prices of its Collateral Trust Six Per Cent Income Bonds, Series B;

The Commission on April 24, 1942 having issued an order authorizing the above-mentioned sale of securities and setting for hearing the declaration with respect to said proposed acquisition and retirement of said bonds; and

After appropriate notice a public hearing having been held on the declaration regarding said proposed acquisition and retirement, and, subsequently thereto, Crescent Public Service Company having requested permission to withdraw said last-mentioned declaration;

It is ordered, That Crescent Public Service Company be and it hereby is permitted to withdraw said declaration, and the same hereby is deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5975; Filed, June 26, 1942; 10:04 a. m.]